antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. WASHBURN: Petition of sundry citizens of Massachusetts, for the resolution of sympathy for the Russian people—to the Committee on Foreign Affairs.

By Mr. WEEMS: Petitions of Belmont Trades and Labor Assembly, Harry Cook and others, Bellaire Local Union No. 68, J. H. Russel and others, Bellaire Bottle Blowers' Union, and citizens of Steubenville, Ohio, for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *May 6, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PROVIDENCE-WASHINGTON INSURANCE COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 22d ultimo, a statement with reference to the amount twice paid by the Providence-Washington Insurance Company, of Providence, R. I., as taxes on the same identical income or profits, etc., which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of two Houses on the amendments of the House to the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill H. R. 17516, an act to increase the membership of the Philippine Commission by one member, and for other purposes, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial from Joseph J. O'Brien, of Washington, D. C., relative to a project for the more economical construction of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. CLAPP presented petitions of sundry citizens and labor organizations of Winona, St. Paul, Mankato, Minneapolis, and Duluth, all in the State of Minnesota, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. McLAURIN presented sundry petitions of citizens and labor organizations of Gulfport, Miss., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relative to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented petitions of sundry citizens and labor organizations of Providence and Newport, in the State of Rhode Island, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented memorials of Harvey Andrews Patterson, the Milton Piano Company, the R. S. Howard Company, the Auto-Piano Company, Kohler & Campbell, of New York City; the Engelberg Huller Company, the H. H. Babcock Company, and the Dexter Sulphite and Pulp Paper Company, of Watertown, all in the State of New York, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Albany, Brooklyn, Buffalo, Glens Falls, Kingston, Lancaster, Plattsburg, Poughkeepsie, Troy, and Yonkers, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of sundry citizens of Big Muddy, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BROWN presented sundry petitions of citizens of Fremont, Nebr., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens and labor organizations of Aurora, Greenridge, Chicago, Moline, Mattoon, and Danville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Mattoon, Ill., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

He also presented sundry memorials of citizens of East St. Louis, Ill., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

Mr. LONG presented petitions of sundry labor organizations of Atchison, Cherokee, Coffeyville, Harris, Kansas City, Lawrence, Leavenworth, Osawatomie, Ottawa, Pittsburg, Scammon, Topeka, Weir, and Wichita, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of Hope Grange, No. 155, Patrons of Husbandry, of Winlock, Wash., praying for the enactment of legislation to establish postal savings banks and also for the passage of the so-called "rural parcels-post bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Eveline, Wash., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Irish-American Club of Georgetown, Wash., remonstrating against the ratification of any treaty between the United States and Great Britain that will in any way hamper or restrain the absolute freedom of action on the part of the United States in matters concerning Irish affairs, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of sundry citizens and labor organizations of Berlin, N. H., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of the New Hampshire Retail Grocers and General Merchants' Association, of Laconia, N. H., remonstrating against the passage of the so-called "rural parcels-post bill" and praying for the enactment of legislation to establish the minimum amount of indebtedness for which a debtor may be adjudged a bankrupt at not less than $500, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GORE presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

House concurrent memorial.

To the honorable the Senate and House of Representatives in Congress:

Your memorialists respectfully memorialize your honorable Congress and show:

Whereas great advantage to the mining industry of the United States and throughout the world can be attained by holding an international mining exposition, wherein all minerals of whatever commercial value, and all processes of metal extraction, and all mining appliances from any part of the world shall be eligible for exhibition; and

Whereas it is proposed to hold an international mining exposition from May 25 to June 20, 1908, at Madison Square Garden, in the city of New York; and

Whereas great progress will be gained for the various mining interests by the interchange of ideas from the different sections of the world: Therefore

The house of representatives (the senate concurring) of the Oklahoma State legislature in session assembled do memorialize the Congress of the United States to take such action as will secure from the

Secretary of the Interior, through the Director of the Geological Survey, an exhibit of the United States Government for such international mining exposition;

And we do further memorialize your honorable Congress to request the President to invite the various nations of the earth to participate in such exposition on behalf of their respective countries.

Passed house of representatives on the 15th day of December, 1907.

WM. H. MURRAY,
Speaker of the House.

Passed the senate May 1, 1908.

GEO. W. BELLAMY,
President of the Senate.

Mr. GORE presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Irrigation and ordered to be printed in the RECORD, as follows:

House concurrent resolution 34. [By Frank L. Casteel.]

Whereas the necessities of life for the maintenance and happiness of thousands of people in the arid and semiarid regions of the Southwest would be greatly enhanced by proper utilization of the available waters in our rivers and streams under a proper system of application and irrigation, which water must otherwise go to waste; and

Whereas there are great areas of land in the western portion of our beloved Commonwealth that can be successfully irrigated if the waters in our streams are impounded, preserved, and utilized; and

Whereas Oklahoma has entered the galaxy of that beloved constellation of sister States, the United States of America, and is entitled to all the rights and privileges of a great Commonwealth; and

Whereas Oklahoma has a quota, an interest, a share not yet apportioned to her in the Federal reclamation fund for arid and semiarid lands, by the right use of which thousands of acres of now unproductive land may be easily irrigated and quickly placed in a high state of productivity under a system of irrigation; and

Whereas the results of farming are uncertain in some of the counties of Oklahoma during most years on account of scarcity of rain, though the soil is deep and rich; and

Whereas other States have received great appropriations for the reclamation of the arid and semiarid lands located within their borders, which reclamation work has resulted in a state of prosperity, peace, happiness, safety, and civilization for thousands of families who have settled within those States; and

Whereas Oklahoma is adapted to nearly all varieties of agricultural products that can be grown from Canada to the Gulf of Mexico; and

Whereas this State is possessed of very rich, deep, and fertile soil in the western portion, and the soil in the semiarid region of Oklahoma has proved ideally suited to sugar-beet culture and to the production of cantaloupes, melons, onions, potatoes, and other garden products, as well as corn, small grains, and other valuable products of the soil where irrigation has been practiced by individuals, unassisted by the Government: Therefore, be it

Resolved by the house of representatives (the senate concurring) of the legislature of the State of Oklahoma, That we do hereby pray and memorialize Congress now assembled, and urge the Oklahoma delegation in the Congress of the United States and our Senators now in Washington, to give attention to Oklahoma's just claims, and we do beg the esteemed consideration of the Oklahoma delegation and do memorialize you to secure and provide from our great American Congress our full quota of the reclamation fund due and that may be expended in the interest of the State of Oklahoma by the act of the Federal Congress creating the reclamation fund for use in the several States.

We memorialize individually and collectively each Member of Congress from Oklahoma and our Senators now in Washington that they use their united energy and influence to secure at once our due and proper portion of the expenditure of the Federal reclamation fund for the reasons herein set forth, and to them each we do send a copy of this memorial.

We also memorialize our Chief Executive, Theodore Roosevelt, President of the United States of America, who has done so much for the advancement of the agricultural interests in the arid and semiarid portions of the United States, that he use his influence to bring about such action as will secure the coveted necessity—water for the production of crops in the western portion of our State, where during many years it is so much needed.

Passed house of representatives this April 20, 1908.

C. H. PITTMAN, *Chief Clerk.*

Passed senate by unanimous vote May 1, 1908.

J. I. HOWARD, *Secretary.*

Mr. GORE presented a memorial of the United Irish League of America, of Boston, Mass., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

ARMY APPROPRIATION BILL.

Mr. WARREN. Mr. President, I present the conference report on the Army appropriation bill.

I desire to state before sending it to the desk that the bill as passed by the Senate carried $98,840,409.12, and there have been deductions made in conference amounting to $3,463,162.51, so that the bill as reported from the conference stands at $95,382,246.61. It is hoped we may next year have no deficiencies, but I fear there may be a shortage in pay of the Army, notwithstanding we have in conference very considerably reduced the proposed raise of pay for both officers and enlisted men.

Mr. HALE. Is this a final agreement?

Mr. WARREN. It is a complete and final agreement upon the bill.

Mr. HALE. It is all disposed of?

Mr. WARREN. It will be disposed of when acted upon by the Senate and House. I report it here first, as the House requested the conference.

The VICE-PRESIDENT. The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, 28, 31, 40, 41, 60, 73, 74, 77, 78, 79, 80, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 35, 36, 37, 38, 42, 43, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 75, 76, 82, 84, 85, and 86, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of said amendment, strike out "thirty-five" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of Senate numbered 5, and agree to the same with an amendment as follows: In line 4 of said amendment, strike out "thirty-five" and insert "twenty;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"That hereafter the annual pay of officers of the Army of the several grades herein mentioned shall be as follows: Major-general, eight thousand dollars; brigadier-general, six thousand dollars; colonel, four thousand dollars; lieutenant-colonel, three thousand five hundred dollars; major, three thousand dollars; captain, two thousand four hundred dollars; first lieutenant, two thousand dollars; second lieutenant, one thousand seven hundred dollars. And the pay of cadets at the Military Academy shall hereafter be six hundred dollars a year. That hereafter the United States shall furnish mounts and horse equipments for all officers of the Army below the grade of major required to be mounted, but in case any officer below the grade of major required to be mounted provides himself with suitable mounts at his own expense, he shall receive an addition to his pay of one hundred and fifty dollars per annum if he provides one mount, and two hundred dollars per annum if he provides two mounts. Section twelve hundred and sixty-seven of the Revised Statutes of the United States is hereby amended to read as follows: 'In no case shall the pay of a colonel exceed five thousand dollars a year; the pay of a lieutenant-colonel exceed four thousand five hundred dollars a year, or the pay of a major exceed four thousand dollars a year:' *Provided*, That nothing in this section is intended to increase or change or shall be construed as increasing or changing the present pay or allowances of any officer in the United States Navy; and section thirteen of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March third, eighteen hundred and ninety-nine, shall not be construed as changing the pay of any naval officer by reason of the provisions of this act.

"That hereafter immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.

"That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, seventy-five dollars; engineers, sixty-five dollars; sergeants first class Hospital Corps, fifty dollars; regimental sergeants-major, regimental

quartermaster-sergeants, regimental commissary-sergeants, sergeants-major senior grade Coast Artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance-sergeants, battalion quartermaster-sergeants of engineers, electrician-sergeants first class, sergeants first class Signal Corps, and first sergeants, forty-five dollars; battalion sergeants-major of infantry and field artillery, squadron sergeants-major, sergeants-major junior grade Coast Artillery, battalion quartermaster-sergeants, field artillery, and master gunners, forty dollars; electrician-sergeants second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color-sergeants, thirty-six dollars; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, stable-sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, thirty dollars: *Provided*, That mess sergeants shall receive six dollars per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics, Coast Artillery, twenty-four dollars; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, twenty-one dollars: *Provided*, That not to exceed one blacksmith and farrier in each troop of cavalry and one mechanic in each battery of field artillery shall receive nine dollars per month additional for performing the duty of horseshoer; privates first class of engineers, ordnance, Signal Corps, and Hospital Corps, eighteen dollars; privates, Hospital Corps, sixteen dollars; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance, fifteen dollars.

"That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: For those whose initial pay as provided herein is thirty-six dollars or more an increase of four dollars monthly pay for and during the second enlistment, and a further increase of four dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is eighteen, twenty-one, twenty-four, or thirty dollars, an increase of three dollars monthly pay for and during the second enlistment, and a further increase of three dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is fifteen and sixteen dollars an increase of three dollars monthly pay for and during the second and third enlistments each, and a further increase of one dollar for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government, after having served more than half of his enlistment, shall be considered as having served an enlistment period within the meaning of this act; that the present enlistment period of men now in service shall be determined by the number of years continuous service they have had at the date of approval of this act, under existing laws, counting three years to an enlistment, and the former service entitling an enlisted man to reenlisted pay under existing laws shall be counted as one enlistment period: *And provided further*, That hereafter any private soldier, musician, or trumpeter honorably discharged at the termination of his first enlistment period who reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

"That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive two dollars per month; as sharpshooters, three dollars per month; as expert riflemen, five dollars per month; as second-class gunners, two dollars per month; as first-class gunners, three dollars per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, seven dollars per month; as plotters, observers first class, and casemate electricians, nine dollars per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

"That increase of pay for service beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be as now provided by law.

"That hereafter the monthly pay during the first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

"Chief musicians, seventy-five dollars; principal musicians and chief trumpeters, forty dollars; sergeants and drum majors, thirty-six dollars; corporals, thirty dollars; and privates, twenty-four dollars; and the continuous-service pay of all grades shall be as provided in this act: *Provided*, That Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

"That sections 1280, 1281, and 1284 of the Revised Statutes be, and are hereby, repealed, and so much of section 4819 as pertains to the deduction of 12½ cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

"That section 6 of the act entitled 'An act for the better organization of the line of the Army of the United States,' approved April 26, 1898, be amended so as to read as follows:

"'SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.'

"That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"The specific appropriations hereinbefore made for officers and enlisted men in the line of the Army and in the several staff corps and departments, enlisted men in the Hospital Corps, officers and enlisted men in the Porto Rico Provisional Regiment of Infantry, and officers in the Philippine Scouts, being based upon former rates of pay, said specific appropriations are hereby increased to the amounts necessary for payment of such increase of pay at the rates established in this act: *Provided*, That the sum of seven million dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to provide for such increases in the said specific appropriations, and for the purpose of paying officers and enlisted men, including enlisted men of the Hospital Corps, at the rates provided for in this act," and change the location of the amendment so that it will precede the paragraph which it now follows, viz: The paragraph reading "All the money hereinbefore appropriated," etc.

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three hundred thousand dollars" (making the total for Regular Supplies, Quartermaster's Department, $9,300,000); and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three million seven hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "including the cost of packing and crating; for transportation;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and

agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eleven million two hundred and fifty-thousand dollars;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert "*Provided*, That the trophy and medals herein authorized shall be contested for only by officers below the rank of major and by enlisted men of the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia;" and the Senate agree to the same.

F. E. WARREN,
H. C. LODGE,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.
J. A. T. HULL,
RICHARD WAYNE PARKER,
Managers on the part of the House.

STATEMENT.

The managers on the part of the Senate, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amount of bill as reported to Senate		$98, 820, 409. 12
Added during consideration of bill by Senate:		
Water supply for Fort William Henry Harrison, Mont		20, 000. 00
Amount of bill as it passed Senate		98, 840, 409. 12
Amounts dropped in conference:		
Contingent expenses at military posts	$5, 000. 00	
Telephone systems at interior posts	20, 000. 00	
Telephone systems at coast artillery posts	15, 000. 00	
Pay of officers of the line	168, 500. 00	
Pay of enlisted men	907, 078. 25	
Extra-duty pay to enlisted men employed as switchboard operators at interior posts	1, 200. 00	
Regular supplies, Quartermaster's Department	637, 156. 10	
Incidental expenses, Quartermaster's Department	278, 237. 76	
Barracks and quarters	750, 000. 00	
Transportation of the Army and its supplies	36, 612. 40	
Roads, walks, wharves, and drainage	94, 378. 00	
Field artillery for organized militia	250, 000. 00	
Manufacture of arms	300, 000. 00	
		3, 463, 162. 51
		95, 377, 246. 61
Amount restored in conference:		
Library, Surgeon-General's Office		5, 000. 00
Amount of bill as reported by conferees		95, 382, 246. 61

F. E. WARREN.
H. C. LODGE.
JAMES P. TALIAFERRO.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (S. 6959) to provide for the purchase of building and grounds or a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy of the United States, reported it without amendment and submitted a report (No. 607) thereon.

He also, from the Committee on Foreign Relations, to whom was referred the message from the President of the United States transmitting a letter from the Secretary of State on the subject of the repayment to the contributors of the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, reported an amendment proposing to appropriate $66,000 to enable the Secretary of State to return to the contributors the money raised to pay the ransom for her release, etc., intended to be proposed to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 4th instant, proposing to appropriate $400,000 for the purchase of building and grounds, or of a site and the erection of a building thereon, at Paris, France, for the use of the United States embassy, intended to be proposed to the omnibus public buildings bill, reported favorably thereon and moved that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 4th instant, proposing to appropriate $400,000 for the purchase of building and grounds, or of a site and the erection of a building thereon, at Paris, Franee, for the use of the United States embassy, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 608) accompanied by a bill (S. 6988) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 1214. George Evans.
S. 5339. B. H. Randall.
S. 6439. Miami L. Perveil.
S. 6507. La Salle Corbell Pickett.
S. 6731. Vincent A. Witcher.
S. 6791. Joseph L. Cooper.
S. 6820. Julia M. Tisdale.
S. 6855. Willie C. Wilmot.
S. 6886. Margaret F. Jewell.

Mr. DANIEL, from the Committee on Public Health and National Quarantine, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 6102. A bill to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service (Report No. 609); and

S. 6101. A bill to promote the efficiency of the Public Health and Marine-Hospital Service (Report No. 610).

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 6989) granting a pension to Catherine Mastick, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 6990) concerning licensed officers of steam and sail vessels, which was read twice by its title and referred to the Committee on Commerce.

Mr. ANKENY introduced a bill (S. 6991) to correct the military record of Alexander McNeill, which was read twice by its title and referred to the Committee on Miltary Affairs.

Mr. STEPHENSON (for Mr. LA FOLLETTE) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6992) granting an increase of pension to James R. Rundlett; and

A bill (S. 6993) granting an increase of pension to Oscar C. Stevens.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6994) granting a pension to Mary Guinn; and

A bill (S. 6995) granting an increase of pension to John H. Lennon.

Mr. BANKHEAD introduced a bill (S. 6996) to amend an act authorizing the construction of dams and power stations on the Coosa River, at Lock 2, Alabama, which was read twice by its title and referred to the Committee on Commerce.

Mr. WARNER introduced a bill (S. 6997) for the relief of Faxon, Horton, and Gallagher, and others, which was read twice by its title and referred to the Committee on Claims.

Mr. SMITH of Michigan introduced a bill (S. 6998) for the relief of Sophie M. Guard, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6999) granting an increase of pension to Benjamin Morse, which was read twice by its title and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 7000) for relief of the Masonic Hall Company, of Atlanta, Ga., which was read twice by its title and referred to the Committee on Claims.

Mr. DANIEL introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7001) for the relief of the infant heirs of William Francis Gill, deceased, of Chesterfield County, Va.;

A bill (S. 7002) for the relief of George C. Wedderburn; and

A bill (S. 7003) for the relief of Lucy A. Monroe.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CLAPP submitted an amendment proposing to appropriate $2,200 for custodian of the public buildings in St. Paul, Minn., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ANKENY submitted an amendment proposing to appropriate $24,000 for the construction of a wharf and storehouses at Waaddah Island, Neah Bay, Washington, for the use of the Revenue-Cutter Service, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $275,000 to continue the necessary work on the Harbor of Refuge, Harbor Beach, Mich., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, refered to the Committee on Appropriations.

INDIAN APPROPRIATION ACT.

On motion of Mr. CLAPP, it was

Ordered, That public act No. 104, being an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, be reprinted.

EMPLOYMENT OF STENOGRAPHER.

Mr. HEYBURN submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

TUBERCULOSIS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Page 3, line 6, strike out the words "owner, lessee, tenant;" and the House agree to the same.

That the House recede from its amendments numbered 2 and 3.

J. H. GALLINGER,
W. P. DILLINGHAM,
T. H. PAYNTER,
Managers on the part of the Senate.

J. VAN VECHTEN OLCOTT,
E. L. TAYLOR, Jr.,
J. W. MURPHY,
Managers on the part of the House.

The report was agreed to.

COMMODITY CLAUSE OF INTERSTATE-COMMERCE LAW.

Mr. FORAKER. I offer a Senate resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, directed to inform the Senate whether the railroads engaged in interstate commerce have, since the 1st day of May, 1908, complied with paragraph 5 of section 1 of the act to regulate commerce, approved February 4, 1887, as amended, popularly spoken of as the "commodity clause," and if there has not been such compliance with said provision, the Commission is hereby directed to inform the Senate whether such noncompliance is due to any agreement, arrangement, or understanding, of which it has knowledge, between the railroad companies and the authorities charged with the duty of enforcing said provision, that said companies shall have immunity from punishment for such violation of said provision, and if so, to inform the Senate fully with respect to the same. The Interstate Commerce Commission is hereby further directed to report specifically whether the Western Maryland Railroad, now being operated by a receiver, has complied with said provision since it went into effect on the 1st day of May, 1908, and if not, what reason, if any, there is for such noncompliance.

Mr. CULBERSON. Is the present consideration of the resolution requested?

The VICE-PRESIDENT. It has been read for the information of the Senate. The Senator from Ohio asks for its present consideration. Is there objection?

Mr. CULBERSON. I did not hear the first part of it. I ask that it be read again.

Mr. FORAKER. I have no objection to the resolution going over until to-morrow.

Mr. CULBERSON. I do not object to it, but I want to hear it.

The VICE-PRESIDENT. The resolution will again be read.

The Secretary again read the resolution, and the Senate, by unanimous consent, proceeded to its consideration.

Mr. CULBERSON. I ask the Senator from Ohio if he would consent to an addition in the form of an amendment, requesting the Commission to state the reason upon which they recommended the other day an extension of time for two years of this commodity clause?

Mr. FORAKER. I have no objection to that being added, if the Senator desires to add it, and will put it in such form as may suit his idea about it.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be stated.

Mr. CULBERSON. It is to add:

And said Commission is also further directed to state the facts and reason or reasons upon which it recently recommended, in a letter to the chairman of the Senate Committee on Interstate Commerce, the passage of Senate joint resolution No. 74.

Mr. FORAKER. I have no objection to that being added.

Mr. ELKINS. There is one clause in the resolution which I do not think the Interstate Commerce Commission could report upon as well as the Department of Justice—that about immunity. They would have nothing to do with any immunity that might be granted the railroads. That does not belong to the Commission at all, and I do not think it is proper to refer that part of it to the Commission.

Mr. FORAKER. My idea about that was this: The Interstate Commerce Commission is charged, under the law, with the general supervision of railroads and with the enforcement of the statutes which Congress has enacted in that behalf. So if any part of any statute is not being complied with the Interstate Commerce Commission ought to be able to tell us, as the supervisory power, of that. All I ask for in the resolution is that they will report what, if any, agreement or understanding has been arrived at as a result of which the railroads are not complying with the law.

I ask for this information, Mr. President, only because it is necessary to an intelligent discussion of Senate joint resolution No. 74, which the Senator from West Virginia has introduced and which he is anxious to take up for discussion.

Mr. BACON. There is so much confusion in the Chamber I am not sure that I correctly understood the Senator from Ohio, and I should like to ask him——

The VICE-PRESIDENT. The Senator from Georgia will suspend until the Senate is in order.

Mr. BACON. I simply desire to inquire of the Senator from Ohio if I understood him correctly to say that there was an arrangement under which the execution of a law is being suspended?

Mr. FORAKER. Mr. President, I have asked in the resolution a report from the Interstate Commerce Commission as to whether or not there is any such understanding or arrangement or agreement; but the resolution does not recite that there is, and I do not state that there is. I have no knowledge whatever. I am simply inquiring for knowledge, and I am making the inquiry because of stories I have heard. I do not know whether there is any truth in them or not. I want to get the truth. Therefore I have asked the authority that I think can give us a true statement about it to furnish us necessary information, so that when the Senator from West Virginia calls up Senate joint resolution 74 for discussion we may debate it intelligently.

Mr. BACON. I made the inquiry because I heard imperfectly, and I was startled by the suggestion even that there was any

power in this country outside of the lawmaking power by which the operation of a law could be suspended. I thought that was a matter exclusively within the province of the lawmaking power.

Mr. FORAKER. I am not startled by anything any more. I take things as they come.

Mr. ELKINS. I ask that the resolution be read again.

The Secretary again read the resolution.

Mr. ELKINS. I think that part about the immunity should be stricken out. It asks for the reasons why, and let the Commission reply, so far as it is informed, as to the reasons why. I am like the Senator from Georgia. I do not know who has the right to suspend the operation of a law or agree to immunity. I am sure that the Interstate Commerce Commission has not, but it will be the Department of Justice, if there is anything of that kind. I only object to those words, and I am quite willing to agree to the resolution except so far as those words are concerned.

Mr. FORAKER. The resolution calls for only such information from the Interstate Commerce Commission as that Commission may be able to give us.

Mr. ELKINS. Stop it right there, then.

Mr. FORAKER. I do not know whether they know or not. If they say they do not know, then we can ask the Department of Justice for information.

On that point I have no objection to preparing a resolution directing the Attorney-General also to inform us.

But this is a matter about which I agree with the Senator from West Virginia in his statement that nobody has any authority in this country except only Congress to stop the operation of a law, and I can not believe it possible that anybody has undertaken to stop the operation of a statute duly enacted by the Congress of the United States. I think, in view of what is being bruited about, the Congress of the United States ought to be officially advised as to whether or not there is any foundation for any such stories as are being circulated to that effect.

I think, as I said a while ago, it is necessary to have this information in order that we may intelligently discuss the proposed modification of the commodity clause that the Senator from West Virginia has introduced, and which, I understand, he intends to call up for discussion to-day or to-morrow, or as soon as he can be heard.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment to the resolution which will be read.

The SECRETARY. It is proposed to add to the resolution the following:

And said Commission is also further directed to state the facts and reason or reasons upon which it recently recommended, in a letter to the chairman of the Senate Committee on Interstate Commerce, the passage of Senate joint resolution No. 74.

The VICE-PRESIDENT. The Senator from Ohio accepts the amendment, the Chair understands.

Mr. FORAKER. I accept the amendment offered by the Senator from Texas, and upon the suggestion of the Senator from West Virginia I will prepare a similar resolution for the Department of Justice, also.

The VICE-PRESIDENT. The question is upon agreeing to the resolution as modified.

Mr. DANIEL. Mr. President, I propose an amendment. I move to add, at the end of the resolution, "and said Commission is also directed to inform the Senate what railroads have and what railroads have not complied with the law, as aforesaid."

This law, Mr. President, known as the "commodity clause," if I recollect aright, was originally proposed by me and an amendment was added by the Senator from West Virginia [Mr. ELKINS], so that it was decided by the Senate to allow the railroads——

Mr. TELLER. We do not hear the Senator from Virginia at all back here.

Mr. DANIEL. I was about to say, Mr. President, this commodity clause was originally proposed by me and an amendment was added to it, I think, upon the motion of the Senator from West Virginia, to the effect that the railroads should have two years to make arrangements with a view to conforming to the law. This was on account of the fact that according to State charters the railroads were allowed, in so many words, to ship coal and other commodities belonging to or mined by them.

As I have been informed, and as I think it has been stated upon this floor, many of the railroads have been unable to make those changes which are essential to conveniently or without loss execute the law. It may be that when we know these facts the Senate may conclude that it should give them a longer time; but there has been no full and clear statement as to the railroads involved as to the amount of property concerned or with respect to any details of the situation with which we have to deal.

I think, therefore, the resolution offered is an eminently proper one, not only upon the point emphasized, whether or not anybody has undertaken to suspend or vitiate a law enacted by Congress. We do not know at this stage sufficiently the facts to express or vote an intelligent opinion on the subject-matter, and as we are searching for this information it seems to me we should get it as fully as we can from the source applied to.

It might be better to enlarge the inquiry and ascertain what amounts of property, what difficulties there are to the execution of the law, but it is to be supposed that under as broad an inquiry as the resolution would now carry the Interstate Commerce Commission would lay before the Senate a pretty full statement, and it might not be necessary to inquire further.

Mr. MONEY. Mr. President, I propose an amendment which I hope the Senator will accept. It is that the Commission be instructed to report forthwith.

The VICE-PRESIDENT. The question will be first upon the amendment proposed by the Senator from Virginia, which will be stated by the Secretary.

The SECRETARY. It is proposed to add to the resolution the following:

And said Commission is also directed to inform the Senate what railroads have and what railroads have not complied with the law, as aforesaid.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

The Senator from Mississippi offers an amendment, which will be stated.

Mr. FORAKER. I accept the amendment suggested by the Senator from Mississippi. I understand it is simply that the Commission shall report forthwith.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add after the word "directed" the word "forthwith."

The VICE-PRESIDENT. Without objection, the amendment is agreed to. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, directed forthwith to inform the Senate whether the railroads engaged in interstate commerce have, since the 1st day of May, 1908, complied with paragraph 5 of section 1 of the act to regulate commerce, approved February 4, 1887, as amended, popularly spoken of as the "commodity clause;" and if there has not been such compliance with said provision, the Commission is hereby directed to inform the Senate whether such noncompliance is due to any agreement, arrangement, or understanding, of which it has knowledge, between the railroad companies and the authorities charged with the duty of enforcing said provision, that said companies shall have immunity from punishment for such violation of said provision; and, if so, to inform the Senate fully with respect to the same. The Interstate Commerce Commission is hereby further directed to report specifically whether the Western Maryland Railroad, now being operated by a receiver, has complied with said provision since it went into effect on the 1st day of May, 1908, and if not, what reason, if any, there is for such noncompliance. And said Commission is also further directed to state the facts and reason or reasons upon which it recently recommended, in a letter to the chairman of the Senate Committee on Interstate Commerce, the passage of Senate joint resolution No. 74; and said Commission is also directed forthwith to inform the Senate what railroads have and what railroads have not complied with the law, as aforesaid.

OMNIBUS CLAIMS BILL.

Mr. FULTON. Mr. President, I desire to give notice that immediately on the conclusion of the consideration of the bill making appropriations for the Department of Agriculture I will move to take up and proceed with the consideration of House bill 15372, commonly known as the "omnibus claims bill."

COMMITTEE SERVICE.

Mr. NEWLANDS was, on his own motion, excused from further service upon the Committee on the District of Columbia.

On motion of Mr. CULBERSON, and by unanimous consent, Mr. SMITH of Maryland was assigned to the vacancy upon the Committee on the District of Columbia.

EMPLOYMENT OF CHILD LABOR.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate the bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

Mr. GALLINGER. The Senator from Missouri [Mr. WARNER] has asked me that he might be allowed to conclude his remarks, which he says will occupy about thirty minutes, and, if no other Senator objects, I ask unanimous consent that the special order be laid aside until the Senator from Missouri concludes his remarks.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the pending bill be laid aside

until the Senator from Missouri concludes his remarks. Without objection, it is so ordered.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. WARNER. Mr. President, at the outset I desire to thank the Senator from New Hampshire for his courtesy.

The VICE-PRESIDENT. The Chair lays Senate bill 6206 before the Senate. It will be read by its title.

The SECRETARY. A bill (S. 6206) for the relief of former members of the Twenty-fifth Regiment of United States Infantry.

Mr. WARNER. Mr. President, I now come to the microscopic test of the guns of the Twenty-fifth Infantry, made at Springfield Arsenal, by Captain Hawkins, of the United States Army. This test is novel, its accuracy depending upon the assumption that the firing pin of each rifle coming in contact in firing with the primer of the cartridge makes its distinctive mark, which mark, by the aid of a powerful microscope, is distinguishable from all marks made by other firing pins, this although the firing pins are made as nearly alike as it is possible to make them with the most improved machinery.

Thirty-three of the exploded shells placed in evidence before the committee were subject to this microscopic test and were reported by Captain Hawkins to have been fired from five guns of B Company. In making the test Captain Hawkins fired two cartridges from each of the guns of the Twenty-fifth Infantry, and reached the conclusion stated by a comparison of the marks of the firing pins on the heads of each of the thirty-three cartridges with those on the heads of the cartridge shells he had discharged. Eight of the thirty-three exploded shells Captain Hawkins reported had been fired from rifle No. 45683, this rifle being charged on the property book of B Company to Sergt. William Blaney. The Blaney rifle was turned in by him to the quartermaster of B Company at Fort Niobrara on the 8th day of June, 1906, and was then, as Sergeant McCurdy testified, placed in an arm chest, where it remained until after the firing at Brownsville.

It is admitted that the four guns from which Captain Hawkins reported twenty-five of the exploded shells had been fired were in the possession of members of B Company on the night of the shooting, and that the Blaney gun was in B Company barracks on that night; but it is claimed that it was in the arm chest of B Company storeroom, and therefore could not have been used. From this it is contended that the eight exploded shells reported to have been fired from rifle No. 45683 were not fired at Brownsville, but were fired at some other place, presumably Fort Niobrara, where the Blaney gun was last used, and that the raiders or their confederates in some manner got these shells from the box of exploded shells, of which I have spoken, and placed them on the streets of Brownsville for the purpose of fastening the crime upon the soldiers. The 1,500 or 1,600 exploded shells in that box had been fired on the target range at Fort Niobrara from some sixty guns; yet, Mr. President, we are asked to believe that these Brownsville conspirators were so discriminating as to select from the box containing some 1,600 shells fired from 60 guns 33 shells that had been fired from only 5 guns. This is carrying the doctrine of chance to its limit.

The reason for B Company shipping this box of exploded shells from Fort Niobrara to Fort Brown, as given by Sergeant McCurdy, was that about the close of the target practice at Fort Niobrara the instrument with which his company decapped shells became broken and unfit for use, and hence the accumulation of these exploded shells. The target practice at Fort Niobrara continued to the last of June, according to the testimony of Captain Macklin, during which time B Company expended 17,500 cartridges. That on each day of the target practice the exploded shells were gathered up, decapped, washed, and dried preparatory to their shipment to the arsenal. The company received for each 1,000 a certain number of cartridges. During target season B Company shipped to the arsenal from 16,000 to 18,000 exploded shells. From 300 to 500 exploded shells were gathered up each day of the target practice, and therefore the box of 1,500 or 1,600 would have accumulated in four or five days at most; and as the Blaney gun, if the testimony of Sergeant McCurdy is to be believed, from the 8th day of June to the end of the target practice, was in the arm chest, these shells could not have been fired from that gun at Fort Niobrara, for that gun, as I have said, was turned in to the quartermaster on the 8th day of June, and the target practice did not terminate until the last of June.

Again, if the exploded shells were not cleaned soon after they were fired, the inside, from the remains of the powder in the shell, would become corroded, and a glance at such shells would indicate, even to the nonexpert, that they had not been recently fired.

The shells picked up by Captain Macklin at the mouth of the Cowen alley a few hours after the shooting, at least forty-five days after the target practice at Fort Niobrara and sixty-five days after the Blainey gun was turned in, showed no signs of corrosion. They could not have been fired on the target range there. Major Penrose, when he examined these shells, saw that they were clean and having the appearance of being freshly fired. This fact caused him to remark, "Macklin, this looks bad for our men."

The nine shells picked up in front of the Starke house a little after daylight on the morning of the affray, Mr. Starke, an expert in the use of firearms, testified had been freshly fired. They showed no signs of corrosion; they certainly could not have been fired at Fort Niobrara six weeks prior to the night of the shooting.

Mayor Combe, at about 10 a. m., on the morning of the shooting, called on Major Penrose and then informed that officer that there had been picked up on the streets of Brownsville some 75 to 100 exploded shells—used clips, as well as a few cartridges that had been fired. "Some of these," said Major Penrose, in his official report, "I examined and there is no doubt they are those manufactured by our Ordnance Department and issued to the troops." He then adds: "Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so plainly before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand." If these empty shells exhibited to Major Penrose by Mayor Combe failed to show that they had been freshly fired, certain it is, Mr. President, the skilled eye of Major Penrose would have been quick to have detected signs of their being stale shells, for, if stale shells, instead of being, in the language of Major Penrose, "damaging evidence" against the soldiers, they would have been exculpating evidence in their favor.

The undisputed evidence is that the main shooting on that fatal night of August 13 and 14 was from high-power guns. The cartridge of a high-power gun consists of the shell, the powder, and the bullet; yet the exploded shell of no high-power gun, excepting that of the Springfield rifle with which the colored troops were armed, was found upon the streets of Brownsville. We are asked to believe that the midnight raiders gathered up the exploded shells of the cartridges they fired while they strewed their path of crime with the exploded shells of the Springfield rifle, shells that had been filched from the box on the back porch of B Company. And here again let me remark that there is no known high-power gun from which the bullets extracted from the houses in Brownsville having the mark of four lands, in combination with the cartridges picked up in the street, could have been fired, except the Springfield rifle, and, as far as known, there was not, either at Brownsville or in that vicinity, a Springfield rifle in the hands of anyone excepting the soldiers.

The claim, Mr. President, that citizens of Brownsville did the shooting for the purpose of getting rid of the negro soldiers, either because they did not patronize the saloons and gambling houses or because their presence was distasteful, finds no reasonable support in the testimony. In the thousands of pages of evidence before us no proven or admitted fact considered alone or in connection with any other part of the testimony supports such a theory—a theory at once ingenious and inconceivable—inconceivable unless all of our knowledge relating to human friendships existing in the small towns and villages of our country, and, indeed, to human character the world over, is false. Such a theory requires us to believe that citizens of Brownsville entered into a conspiracy to terrorize, maim, and kill their unsuspecting friends and to accomplish these acts in such a manner that the terrorizing, maiming, and killing would be charged to the soldiers; that in carrying this conspiracy into execution, a handful of men, at the hour of midnight, clad in the khaki uniform of soldiers, armed with high-power guns and ammunition such as the negroes were armed with, met immediately in the rear of the barracks of the soldiers, either inside or outside of the garrison wall, and opened fire, so aiming their guns as not to scar the barracks or endanger the life or limb of the soldiers; that they then proceeded into the town, shooting into the dwelling houses and business places of those, who, like themselves, desired a riddance of the negro soldiers; that, in order that the evidence should point to the guilt of the soldiers, and to their guilt alone, these conspirators gathered up carefully the exploded shells of the ammunition which they had used and strewed their trail with exploded shells of the Springfield rifle, with which the colored battalion was armed, and then, that their crime might be fastened upon the negro soldiers beyond the peradventure of a doubt, this band of raiders marched to the saloon of one of the men who had been loud in demanding the removal of the negro

troops and there shot down the barkeeper, Frank Natus, and on their way wounded the lieutenant of police (an officer without an enemy in the city), whose only offense on the fatal night was that, on seeing the raiders shooting into the houses, especially those which had lights, he, realizing that the lives of men, women, and children were imperiled, without counting the danger to himself, rode, amid a shower of bullets, through the street, shouting, "Put out your lights!" "Put out your lights!"

Mr. President, the proponents of this theory have not yet taxed our credulity to its limit. They show us the Yturria House, penetrated by three bullets, whose points of entrance, course, and direction furnish conclusive evidence that they were fired from the second porch of B Company barracks, and they require us to believe that these shots were fired by the conspiring citizens of Brownsville. That these shots were fired on the night of the raid there is no question; that they were fired from the second porch of B Company barracks is by the evidence put equally beyond question; and that these barracks were, at the time of the firing, occupied by negro soldiers, with a sentinel on guard, is also true. Who fired these shots from that point, Mr. President? The soldiers or the conspiring citizens of Brownsville? Did the genius of these conspirators take into consideration, in the arrangement of their plans, the question of marshaling this incriminating evidence, within the barracks and at the very doors of the sleeping soldiers, that the crime to be committed might be charged to the soldiers and to them alone? We marvel, Mr. President, at the deliberation of these conspirators, at their audacity, at their escape, and at their success, if such a plan formed a part of their enterprise.

I pass now, Mr. President, to a consideration of S. 6206, which I introduced on March 19, for the relief of certain former members of the Twenty-fifth Regiment. The bill reads:

Be it enacted, etc., That if at any time within one year after the approval of this act the President shall be satisfied that any former enlisted man of the Twenty-fifth Regiment of United States Infantry who was discharged from the military service as a member of said regiment under the provisions of a Special Order No. 266, and dated at the War Department on the 9th day of November, 1906, had no participation in the affray or guilty knowledge of the persons engaged in said affray that took place at Brownsville, Tex., on the night of August 13–14, 1906, the President may authorize the enlistment of said man; and any man who shall enlist in the military service under authority so given by the President shall be held and considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive from said date of discharge if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

The conclusion which I have indicated to-day, together with those set forth in the report of the Committee on Military Affairs, will, I take it, indicate clearly the theory underlying this bill.

Permit me to add, Mr. President, that I offer this bill with my mind free from doubt that the assault upon Brownsville was preconcerted, deliberately planned, and executed by soldiers of the Twenty-fifth Infantry, and that soldiers other than those who actually participated in the raid must have known what was taking place, and hence were aiders and abettors thereof either before or after the fact.

Entertaining these views upon the facts, I am clearly of the opinion that the public interest demanded the termination of the contracts of enlistment of the men composing the Twenty-fifth Infantry present at Fort Brown on the night of the affray, and that the action of the President in discharging those soldiers, if I may be permitted to change the verbiage, as this in no sense changes the meaning of the resolution submitted by the Senator from Ohio [Mr. FORAKER] on the 21st day of January, 1907, and adopted by the Senate, was legal and just.

The President, at the time of promulgating the order discharging these men, had before him, as shown by his message of December 19, 1906, substantially the evidence which is now before the Senate for its consideration. Charged by the Constitution with the execution of the laws of the land, it became his solemn and sworn duty as Commander in Chief of the United States Army, when informed that an assault had been committed upon the homes and people of Brownsville, charged to United States soldiers stationed at Fort Brown, to investigate the connection of those soldiers with that assault. Did the President discharge this duty? We will search the records in vain, Mr. President, for an instance showing the evasion of the discharge of a public duty by the present President of the United States. Did he discharge it in an orderly way? Fifty-seven days were consumed in investigating the facts. Official letters, telegrams, reports, orders, and so forth, copies of all of which have been laid before the Senate, will speak the fact as to the thoroughness with which that investigation was made, and will disclose the earnest endeavor which the President made to obtain every fact material to a complete understanding of the situation.

With the evidence before him, with the case made, the further discharge of his duty required that he pass upon the question of the guilt or innocence of the soldiers. This he did, finding the fact to be that the assault was committed by unidentified soldiers of the Twenty-fifth United States Infantry, and that soldiers other than those who actually participated in the raid were accessories either before or after the fact.

The President's report of his finding is to be found in his message to the Senate of date December 19, 1906, in which he said:

In short, the evidence proves conclusively that a number of the soldiers engaged in a deliberate and concerted attack as cold-blooded as it was cowardly, the purpose being to terrorize the community and to kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question and when detection by identification of the criminals in the United States uniform was well-nigh impossible. So much for the original crime. A blacker never stained the annals of our Army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder.

The President having made this finding, what action was he to take upon it, Mr. President? Was he to sit supinely and express to his countrymen a regret that the evidence was insufficient to identify the individual soldiers who actually participated in the assault and the other soldiers who shielded these and decline to take action of any character because the evidence did not identify the guilty individuals, and because of the further fact that there were still other soldiers in the regiment wholly innocent, notwithstanding his mind was free from doubt that the assault had been committed by soldiers of the regiment? Would such a policy satisfy the conscience of any man who would hold up his hand before God and the American people and swear that he would execute the laws of our land? What are the considerations, Mr. President, which should influence the judgment of any man whose official duty would require him to act upon such a situation? Would he not reflect upon the consequences of his action to our Government, to our Army in respect to its discipline and morale, and to the rights of the individual soldiers whose interests were at stake? And I take it to be fundamental that the rights of the individual soldiers must, if necessary, give way before general policies affecting the maintenance of the Government and the effectiveness of the Army. Such, I take it, were the considerations which moved the President to make the order which he made in this case, for in his annual report for the year 1906, a report which reflects the great ability of its author, the Secretary of War, in discussing this point, says:

Instead of giving to their officers, or to the military inspectors who were directed to make the examination, the benefit of anything which they knew tending to lead to a conviction of the guilty persons, there was a conspiracy of silence on the part of the many who must have known something of importance in this regard. Thus the murderers were taken back into the battalion and protected entirely from punishment.

Under these circumstances the question arises, Is the Government helpless? Must it continue in its service a battalion many of the members of which show their willingness to condone a crime of a capital character committed by from ten to twenty of its members, and put on a front of silence and ignorance which enables the criminals to escape just punishment? These enlisted men took the oath of allegiance to the Government, and were to be used under the law to maintain its supremacy. Can the Government properly therefore keep in its employ for the purpose of maintaining law and order any longer a body of men, from 5 to 10 per cent of whom can plan and commit murder, and rely upon the silence of a number of their companions to escape detection?

It may be that in the battalion are a number of men wholly innocent, who know neither who the guilty men are, nor any circumstances which will aid in their detection, though this can not be true of many. Because there may be innocent men in the battalion, must the Government continue to use it to guard communities of men, women, and children when it contains so dangerous an element impossible of detection? Certainly not. When a man enlists in the Army he knows that, for the very purpose of protecting itself, the Government reserves to itself the absolute right of discharge, not as a punishment, but for the public safety or interest. In such a case as this, the inconvenience and hardship to those innocent of participation or knowledge, arising from arbitrarily terminating the contract of enlistment in accordance with the right which the Government by statute reserves, must be borne by them in the public interest.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. SMITH of Michigan. The Senator from Missouri has spoken of the conspiracy of silence in a very effective manner and is making a very strong argument on that point.

Mr. WARNER. If the Senator will pardon me, I am still reading from the report of the Secretary of War.

Mr. SMITH of Michigan. Would the Senator object to a question?

Mr. WARNER. If the Senator will pardon me until I finish the reading of this quotation, I shall be pleased to answer him. The Secretary of War continues:

It goes without saying that if the guilty could be ascertained they should and would be punished, but the guilty can not be ascertained,

and the very impossibility of determining who are the guilty makes the whole battalion useless to the Government as an instrument for maintaining law and order. The only means of ridding the military service of a band of would-be murderers of women and children, and actual murderers of one man, is the discharge of the entire battalion.

Might not any community into which the War Department should send this battalion, in which it is known that there are from nine to twenty murderers, justly complain that the battalion is not a proper instrument for maintaining the supremacy of the law? Could we properly send such a battalion to the Philippines or Cuba to maintain peace or furnish an example of orderly conduct? If a similar outbreak were there to occur, could we relieve ourselves from responsibility for it on the theory that we could not detect the particular ten or twenty who were guilty of the first murder?

Suppose a dozen men of the battalion stationed at Fort Brown in time of a war with Mexico carried plans and ammunition to the enemy on the other side of the Rio Grande River, and then returned under circumstances which made it clear that a large number of men in the battalion must have known who they were, but that every man in the battalion denied all knowledge of it, and thus all means of detecting the guilty were lacking. Would a competent general for one moment hesitate, in the interest of the public, to disband the entire battalion and discharge it from the service in order to avoid a repetition of the danger?

Can a real and logical distinction be made between the crime of treason, under the circumstances supposed, and the crime of murder in this case? Both are capital offenses, one perhaps more heinous that the other, and more dangerous to the Government itself, but in both cases it seems to me clear that the Government must protect itself and the community to which it is responsible from a recurrence of such offenses, not by punishing guilty and innocent alike, but by separating both the guilty and innocent from the service, so as to deprive the guilty of a second opportunity for such a crime, even though this may result in inconvenience and perhaps hardship to the innocent.

Now, I will say to the Senator from Michigan that I will yield to him, although I am speaking in borrowed time this morning.

Mr. SMITH of Michigan. I will not take much time; but the Senator's reference to the conspiracy of silence has interested me. I think it has been referred to before; and I want to ask the Senator if the conspiracy of silence, so denominated, may not be as consistent with the theory of innocence as of guilt? What would a man say if he were innocent? Nothing; absolutely nothing, except to protest his innocence; and if his life record is clear, his service in the Army without flaw, why should he not be believed, especially when no direct evidence connects him with crime?

Mr. WARNER. I wish to yield only to questions, because, as I say, I am speaking in borrowed time; but I think I catch the drift of the Senator's question, and I will try to answer him. If the men were innocent, then they could have had nothing to tell of the commission of the crime. If there were men in that command, eight, ten, or more, who were guilty, then there did exist a conspiracy of silence from the circumstance that not one of them disclosed a fact in relation to it. But whether their attitude of silence is as consistent with innocence as it is with guilt, I leave to the Senator under the evidence.

Mr. President, moved by these considerations and guided by the only rule which would prevent the Government from becoming helpless in its control of the Army, the President discharged "without honor" the soldiers of the Twenty-fifth Infantry present at Fort Brown on the night of the affray, and he has taken this action in pursuance to the authority of law vesting in him a discretion to annul enlistment contracts whenever, in his opinion, that course is dictated by the public interest, and it is pleasing to reflect that the legality and justice of his action in this case is unquestioned by the resolution submitted by the Senator from Ohio on the 21st day of January, 1907, and adopted by the Senate.

That the purpose of the order discharging these men was not to punish them is put beyond doubt by the policy which caused its promulgation. The Secretary of War says in his report for the year 1906:

> It is a mistake to suppose that this order is in itself a punishment either of the innocent or of the guilty. A discharge would be an utterly inadequate punishment for those who are guilty, whether of committing the murder or of withholding or suppressing evidence which would disclose the perpetrators of such a crime.

And the President in his message of December 19, 1906, says:

> People have spoken as if this discharge from the service was a punishment. I deny emphatically that such is the case, because as punishment it is utterly inadequate. The punishment meet for mutineers and murderers such as those guilty of the Brownsville assault is death, and a punishment only less severe ought to be meted out to those who have aided and abetted mutiny and murder and treason by refusing to help in their detection. I would that it were possible for me to have punished the guilty men. I regret most keenly that I have not been able to do so.

No, Mr. President, the President's course was dictated by the clearest public interest. He discharged these men not as a punishment, but for the "good of the service."

It has been charged, too, that the President's language which I have quoted in this connection was harsh and undeserved by the men to whose actions it was applied. But I submit that such criticism must fail of conviction unless an instinctive feeling of horror and indignation should not be aroused in the breast of every good man by the midnight assault which had death for its object and terror for its plaything, for let it not be forgotten that his language to which exception is taken in every instance characterizes the actions of the guilty, and the guilty only. Idiomatic English, however strong, can never slander the crime of murder, the man who committed it, nor the man who hides the murderer from the law.

From these considerations, Mr. President, it follows that S. 6206, which I introduced for the relief of certain former members of the Twenty-fifth Regiment, is not founded upon the theory that the President's action in discharging these soldiers "without honor" was either illegal or unjust, for I believe no such thing. I believe that their discharge was orderly and proper and legal and called for by the soundest public policy. But that there are men who came within this order who were neither principals nor accessories before or after the fact I have not the slightest doubt, and I am anxious for Congress to restore them to the Army and give them such other relief as may be proper. Hence the introduction of this bill.

From these suggestions it is apparent, Mr. President, that the theory upon which this bill is founded is fundamentally different from that upon which S. 5729, the bill introduced by the Senator from Ohio [Mr. FORAKER], is drawn. The latter proceeds upon the theory that the men of the Twenty-fifth Infantry were innocent, and that they were unjustly discharged, and hence that they come to Congress demanding as of right their complete and full restoration to the Army. I was under the impression that the divergence of theory upon which these bills were drawn gave rise to the objections which the distinguished Senator found to the bill which I introduced when he declared that its provisions conferring upon the President the authority to authorize the enlistment of any former enlisted man of the regiment, upon being satisfied that such man had no participation in the affray, reverses the rule of evidence that obtains in every civilized country by requiring a man to prove his innocence, until I had examined with greater care the Senator's bill. I am now convinced that I have not outraged justice in this respect and that I am not entitled to the honor of having offered a bill founded upon a rule of evidence which, in the language of the Senator, is "without a precedent in all the history of the liberty-loving, English-speaking nations of the earth," for my examination of the bill introduced by the Senator discloses the following situation:

Before giving eligibility to a noncommissioned officer or enlisted man belonging to Company B, C, or D to reenlist, this bill provides that such noncommissioned officer or enlisted man shall make oath before a duly authorized enlisting officer of the United States Army or Navy—

1. That he did not participate in the affray.

2. That he does not know of any soldier belonging to any of the companies who did participate in the affray.

3. That he had not at any time heretofore, and does not now, withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participator in said shooting affray or any accessory thereto, either before or after the fact.

4. That he has answered fully to the best of his knowledge and ability all questions that have been lawfully put to him by his officers or others in connection therewith.

Why, Mr. President, if these men are innocent, and the Senator from Ohio [Mr. FORAKER] says he believes they are, and he states that he has offered his bill upon this theory, why, I ask, should the Senator make their eligibility depend upon their making oath that they did not participate in the affray? Why should the Senator require them, if they are innocent, to make the further statement that they do not know of any soldier belonging to any of the companies who did participate in the same?

Mr. FORAKER. Mr. President, if the Senator does not object to my interrupting him, I will tell him why.

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. WARNER. Yes.

Mr. FORAKER. I myself think they are absolutely innocent. There are others who think that although some of them may have been guilty of participation in the shooting or in the conspiracy of silence, yet a great many of them are absolutely innocent; and the putting in of that clause requiring them to again purge themselves was to satisfy some people who did not believe in their innocence to the full, unqualified extent that I do.

Mr. WARNER. The explanation of the Senator, of course, must be accepted; but certain it is, in the presentation of his bill to the Senate and the grounds upon which it was founded, I heard no intimation as to any doubt as to the innocence of these men——

Mr. FORAKER. Mr. President, there is none whatever on my part.

Mr. WARNER. And none has been given up to this time.

Mr. FORAKER. But if the Senator will be better satisfied with my bill, or the Senate will be better satisfied with it, I will be glad to strike that requirement out. If everybody believed about it as I do, it would certainly be quite illogical and out of place.

Mr. WARNER. But I think there was a purpose in it, if the Senator will pardon me—not a covert purpose, but simply a purpose as to its legal effect, I will say, for why should the Senator require them, if they are innocent, to purge themselves?

Mr. FORAKER. The Senator may know more about my purpose than I do, but I had no purpose except the one I have explained.

Mr. WARNER. I refer to the legal effect.

This is not the usual and ordinary test of eligibility applied to an applicant for enlistment or reenlistment in the Army; or why should the Senator require them to make the further statement that they have not at any time heretofore and do not now withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participator in said shooting affray or any accessory thereto either before or after the fact, or the still further statement that they have answered fully to the best of their knowledge and ability all questions that have been lawfully put to them by their officers or others in connection therewith?

In short, Mr. President, if these men are innocent and are basing their claims for relief upon their innocence, and hence upon the injustice of their discharge, why should the bill introduced by the Senator provide that their eligibility to reenlist shall depend upon their purging themselves by making any oath in denial of their guilt or guilty knowledge in respect to the affray? Why, Mr. President, should it impose upon them the burden of introducing evidence of any character touching their connection with that affray?

In requiring these men to purge themselves of the guilt of participants in the affray or of guilty knowledge touching it, the Senator recognizes that the rule of presumption of eligibility to enlistment obtaining in ordinary cases is in this case correctly and justly inapplicable.

To the suggestion that the eligibility of these men to reenlist in the Army should not be referred to the President, I reply that my examination of the records and testimony upon which the order of discharge was based has satisfied me that the President has exercised the discretion vested in him wisely for the nation and for the Army and with proper and legal regard for the discharged soldiers. I find no fault with the President, and, convinced as I am that his action in this case has been inspired by the highest motives of patriotism, I am all the stronger of the opinion that the Congress should remit to him the matter of doing justice to the individual soldiers of the colored battalion who may apply for reenlistment. Moreover, Mr. President, any legislation that implies a want of confidence in the President will not receive the approval of the American people.

I thank the Senate for the kind indulgence it has shown me and also the Senator from New Hampshire [Mr. GALLINGER] for yielding to me to proceed and conclude this morning.

Mr. STEWART. Mr. President, before my friend takes his seat I should like to get his personal views on the subject of the restoration of these men to the Army. I understand his bill provides that the question of the guilt or innocence of these parties, which is the crucial question upon which their right of restoration must turn, if I rightly understand the bill, is referred to the pleasure of the President.

Mr. WARNER. It is referred to the President.

Mr. STEWART. Now, I want my friend's views as a lawyer upon the proposition that such a question as that should be referred to one who has already prejudged the case, who has said in terms that are unmistakable, if I read his messages aright, that there can be no doubt of the guilt of these men. What is my friend's view as a lawyer, and an eminent lawyer, on that proposition?

Mr. WARNER. I thank the distinguished Senator for the compliment. I am one of those who believe that the President of the United States has a clear vision of the rights of the individual citizen; that he is intellectually honest and has the courage to act upon his convictions of right at all times and in all places, and I should regret to think that the day ever would come, or has now come, in my country when the Chief Magistrate of the nation, the Commander in Chief of the Army and Navy of the United States, could not be trusted to pass upon the question of the restoration of these men to the Army.

Mr. STEWART. I ask my friend if the same reasoning would not apply with just as much force to a judge of the Supreme Court of the United States? The Senator would have the same confidence in the intelligence and integrity of the court, but as a lawyer——

Mr. WARNER. I should have entire confidence in the Chief Justice or a justice of the Supreme Court, even though he had decided the question, if other facts could be brought to his attention to get a just ruling and decision. If I could not, I think the court certainly——

Mr. STEWART. My friend is aware that the first question put to a venire man in selecting a jury in the trial of a case is, "Have you formed or expressed an opinion on this matter?"

Mr. WARNER. We will not differ on that point; but that is not this case; but the Senator will pardon me now, as I desire to yield the floor.

Mr. FULTON. Mr. President, I know the Senator from Missouri is feeling poorly. I was going to ask him his views on a certain phase of the case, but I understand he does not desire to speak further now, and therefore I shall not press the inquiry.

Mr. FORAKER obtained the floor.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. FORAKER. Certainly.

Mr. GALLINGER. I was about to ask that the bill which was laid aside be placed before the Senate, but if the Senator from Ohio desires to speak briefly, I will yield to him.

Mr. FORAKER. I will be brief. If some one were to bring in a bill here providing that the question of the guilt or innocence of these men should be submitted to me, I would think it very absurd; and I would refuse to act under any such a bill, because I have expressed an opinion; I have a clear conviction about it; and I have stated it openly and publicly repeatedly. I would be an unfit judge. I do not think any different rule should be applied to anyone else who is suggested to act as judge where the question of guilt is involved; and therefore it was that when I made some remarks to the Senate the other day I took exception to that portion of the bill of the Senator from Missouri [Mr. WARNER] which provides that these men shall establish their innocence to the satisfaction of the President. I pointed out how repeatedly the President had expressed himself as of the opinion that many, if not all, of these men are guilty, either of participation in the affray or of the conspiracy of silence in refusing to tell about participation and not helping to identify those who did participate.

I said in those remarks that I had no evidence that the President had changed his mind from what it was when he expressed himself as I quoted from his different messages. Since then I have read in a newspaper, the Times-Star, of Cincinnati, Ohio, what purports to be a dispatch from Washington to the effect that the President has written a letter to a member of this body, and—although it is a delicate subject to discuss in public or even to allude to in public—I think, in view of the fact that the fitness of the President, notwithstanding that former state of mind, is urged upon us, that we should have a right to show that the President's unfit state of mind continues. I do not say it in disparagement of him as a man. No one knows better than I do what great intellectual power he has. No one will ascribe to him more cordially than I will the possession of many attributes that we must all admire. But, Mr. President, this is a serious matter, affecting the rights of men with respect to the question of a crime, and I protest against their case being judged by one who has already prejudged it in hostility to them.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. Certainly.

Mr. WARREN. The Senator objects to the President on the ground that he is prejudiced for or against. He admits that he himself would not ask to pass upon it.

Mr. FORAKER. I would not.

Mr. WARREN. Does not the bill which the Senator has presented and which represents his views pass judgment, so far as he is concerned, upon the matter?

Mr. FORAKER. No; Mr. President. My bill expresses my opinion as to what Congress should do, and my bill provides that when these men are permitted to reenlist and shall have reenlisted they shall be subject to trial by court-martial or otherwise for any crime which any man may be able to establish against them by testimony.

Mr. FRAZIER. Mr. President——

Mr. FORAKER. Before I pass from that, if the Senator from Tennessee will pardon me for a moment, I want to finish the reference to the newspaper article.

Mr. FRAZIER. I wish to ask the Senator one question before he presents the newspaper article.

Mr. FORAKER. Certainly.

Mr. FRAZIER. The Senator objects to the President passing upon the question of the guilt or innocence of these men. I will ask the Senator if his bill does not leave the question to be passed upon by the men themselves?

Mr. FORAKER. I think not. More than eighteen months have passed since this affray occurred, and down to this moment, although, as the Senator from Connecticut [Mr. BULKELEY] well said, all the machinery and influence and power of the Government which could be utilized for that purpose have been brought to bear to show their guilt, not one iota of testimony has been produced to identify any man as guilty. The statement was made by the Senator from Idaho [Mr. BORAH], when interrogated in this Chamber yesterday, that, in his opinion, thirty of these men knew all about the affray.

The idea that thirty such men or thirty men of any class or kind could conceal all evidence of guilt during all this time, when everyone has been under surveillance, is a preposterous absurdity and an utter impossibility, to my mind. Therefore, I say, looking at this as a practical man, wanting to do what is right and just, I prepared a bill which allows these men to purge themselves. I put in that provision out of respect to those who agree with me that there should be legislation, but who do not go as far as I believe, that these men are absolutely innocent—every one of them; just as innocent as the President of the United States is innocent of this crime.

Mr. SCOTT. Will the Senator from Ohio yield to me for a moment?

Mr. FORAKER. Yes.

Mr. SCOTT. I should like the Senator to refer to the evidence of General Burt, who commanded this regiment for eleven years, and indirectly for sixteen years, and what he says in regard to their truth and veracity and honor.

Mr. FORAKER. General Burt said, in terms of the highest compliment, that they were a truthful, reliable set of men, and that he would believe their statements in a court-martial proceeding where they were themselves the defendants.

Mr. WARREN. May I ask the Senator a question? How long is it since General Burt commanded that regiment?

Mr. FORAKER. General Burt spoke of the older men of the regiment, whom he knew in person and to whom his attention was directed, and that is what he said of them.

Mr. WARREN. Does the Senator know how many years it is since he commanded that regiment?

Mr. FORAKER. No; but I do know that the President of the United States, in his communication to this body, has told us that in his opinion the guiltiest of these men are the old men, and especially the noncommissioned officers who were a long time in the service.

Mr. WARREN. I desire to say——

Mr. FORAKER. General Burt commanded it until he retired. I can not tell the year.

Mr. WARREN. General Burt did not, I think, command the regiment until the day he retired, because he was made a general officer soon after the Spanish-American war, and could not have commanded that regiment as colonel after his promotion to brigadier-general.

Mr. SCOTT. Will the Senator allow me to call his attention to General Burt's testimony, in which he referred to one sergeant in the Spanish-American war who was taken to Chattanooga and objected to being put in separate cars? He must have commanded the regiment until after the Spanish war, if the Senator will allow me.

Mr. WARREN. The record will show whether he was a colonel and commanded the regiment. He was made, as I say, a brigadier-general, but I am not quite certain of the date. General Burt has been on the retired list for from five to eight years.

Mr. SCOTT. They were under him.

Mr. WARREN. It is possible the regiment might have been under him in a brigade. Notwithstanding the handful of men still in the regiment who were in it when he was a colonel some years ago, he could hardly speak for the entire enlistment of the later date, because the majority of the men in the regiment would be those who enlisted after he relinquished command.

Mr. SCOTT. He did.

Mr. WARREN. General Burt is an excellent officer and entitled to great respect and confidence.

Mr. FORAKER. All that is quite true, and I will not say when he ceased to command the regiment. I thought he commanded until he retired. Of course the Senator from Wyoming may be more familiar with his record than I am. I do not claim to be familiar with it.

Mr. GALLINGER. Mr. President——

Mr. FORAKER. Will the Senator from New Hampshire bear with me for a moment? I would have been through before this if I had not been interrupted.

Mr. GALLINGER. I will, if the Senator proceeds without interruption.

Mr. FORAKER. I am much obliged to the Senator from New Hampshire.

I started to say that I hold in my hand what purports to be a telegraphic communication from Washington to the Times-Star of Cincinnati. I will not stop to read it, although I was intending to do so. It states that the President of the United States, since I spoke in this Chamber expressing doubt about his fitness to act as judge, has written a letter to a member of this body, the junior Senator from Michigan, Mr. WILLIAM ALDEN SMITH. I beg his pardon for mentioning his name. I would not do it or refer to this matter if my sense of duty and justice to these men did not require me to do it. In that letter, according to this newspaper article, he is reported as still continuing to entertain the opinion with respect to the guilt of these men that he expressed in the messages which I quoted. Inasmuch as those messages were a year or more ago and this is a very recent communication, if it be true that there is such a communication expressing his opinion on that subject, I take the liberty of asking the Senator from Michigan if he is at liberty to tell us whether or not such a letter has been received by him from the President of the United States; and if so, whether or not he is at liberty to put it into the RECORD, so that we may know, with respect to this matter, what I think we ought to know?

Mr. SMITH of Michigan. Mr. President, the source of the Senator's information is given as the Cincinnati Times-Star. During the fourteen years of my public service I have frequently been in correspondence with the Chief Executive at various times and have taken the liberty from time to time of asking for information from him. But during all that time, Mr. President, never to my knowledge have I given public utterance to his expressions to me, whether it be the present occupant of the White House or any of his predecessors; and the information upon which the article referred to by the Senator from Ohio is based did not come from me. I have had no communication or intercourse with any representative of any newspaper regarding this matter, and I do not feel at liberty to make public the communication of the President. If its publicity is desired, it seems to me it may come with greater propriety from him than from me.

The inquiry which I made of the Executive was perfectly proper to make and referred to a publication which had come to my notice. But I do not feel at liberty to give the substance of or to publish the letter from the President. I am, however, perfecly willing that it should come from him; but so far as any attempt is made by others to quote it they must rely on their own information. I would not consider it proper to publish any correspondence with the President containing his views upon any public question.

Mr. FORAKER. The Senator from Michigan has answered in a very manly way, as everyone of course expected he would answer, knowing him as all of us do. He did not give this letter to the press. I did not know whether he had or not. There are only two parties to a letter ordinarily—the writer and the person to whom it is addressed. If the Senator has not given this out to the press and has not communicated with anybody in regard to its contents, I suppose it has come from the White House.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. FORAKER. That is only a surmise.

Mr. SMITH of Michigan. It will not be inappropriate for me to say that the communication is not marked "private" or "personal." The reason why I would not care to give out the letter is the one which I have adopted all through my public life—never to attempt to quote the Executive upon any written or oral relation that I may have with him.

Mr. WARREN. May I ask one question?

Mr. FORAKER. Certainly.

Mr. WARREN. Is the Senator from Ohio prepared to believe and to substantiate a statement that the letter to which he has referred is correctly quoted in the publication?

Mr. FORAKER. I have only this newspaper article.

Mr. WARREN. I did not know but that the Senator had other information.

Mr. FORAKER. The article does not purport to quote the letter in full, and I hesitate whether I should read what is here, which may be more or less garbled, or await developments. It may be, now that this matter has been brought to the atten-

tion of the Senate and the public, that the President will favor us with a copy of this correspondence. I think I will withhold quoting this until there is opportunity for him to do so, only stopping to say—as I have already in effect said—that the letter, if it be of the character this article describes it to be, shows what I contended for in the remarks I made here, that the mind of the President is made up on this matter, and to talk about submitting it to him as a judge is the utmost nonsense, just as much nonsense as it would be to submit it to me or any other man who has expressed his opinion over and over again and who has implicit confidence in the correctness of that opinion.

I have not any doubt that the President is of this opinion. I am not arraigning him for having that opinion. But that is another matter. I have undertaken to combat these ideas in my argument here. I am only seeking in this connection to put this into the RECORD—and I want it to follow immediately after what the Senator from Missouri said about the reasonableness of his bill—as a reason why the bill should not be passed, at least not until amended by the substitution of some other judge.

I think I shall suspend here and await developments.

Mr. FULTON. Mr. President——

Mr. GALLINGER. I ask the Chair to lay before the body Senate bill 4812.

Mr. FULTON. I wish the Senator from New Hampshire would allow me to say a word.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. GALLINGER. I will yield for a question.

Mr. FULTON. It is not exactly a question. It is a statement I wish to make.

Mr. GALLINGER. I prefer to go on with the bill.

Mr. FULTON. Of course I can make the statement during the consideration of the bill, and, if necessary, I will do so.

The VICE-PRESIDENT. In pursuance of the unanimous-consent agreement——

Mr. GALLINGER. Just at this point I want to remind the Senator from Oregon of the fact that this bill was laid aside with the distinct understanding that the Senator from Missouri [Mr. WARNER] should be given thirty minutes. It has been an hour and fifteen minutes now, but of course if the Senator from Oregon wants to occupy the floor for a few minutes——

Mr. FULTON. For just a few minutes.

Mr. GALLINGER. I will allow him to proceed.

The VICE-PRESIDENT. The Senator from New Hampshire yields to the Senator from Oregon.

Mr. FULTON. Mr. President, I want to make a suggestion at this time, because it is in connection with what the Senator from Ohio [Mr. FORAKER] has said and in connection with the question I asked the Senator from Missouri [Mr. WARNER], which was for the purpose of developing a thought I have in my mind.

While I have reached the conclusion, and the investigation I have given the subject has been a very careful one, that some few of these men were participants in the shooting, indeed were the ones that did the shooting, yet I have also reached the conclusion, as I think everyone must have who has carefully investigated the subject, that a very large proportion were absolutely innocent of any participation whatever in the shooting. The Senator from Ohio [Mr. FORAKER] has provided in his bill that upon taking an oath purging themselves of all participation in or knowledge of the shooting, the soldiers shall be entitled to reenlist, whereas the Senator from Missouri proposes that all these men shall have the burden upon them of establishing absolutely to the satisfaction of the President their innocence of any participation.

The Senator from Ohio says that one reason why he objects to the provisions of the bill of the Senator from Missouri is that the President has already committed himself on the subject. I do not put my objection to the bill of the Senator from Missouri on that ground. I put it upon the broader ground, which it seems to me must appeal to every man who loves justice and would protect liberty, and that is that the burden of proving his innocence ought not to be imposed on any man.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. FULTON. Certainly.

Mr. FORAKER. The Senator was not here when I made the remarks to which I refer. If he had been he would have learned from listening to me that I had the same objection.

Mr. FULTON. I understand that.

Mr. FORAKER. This is only another objection I am urging.

Mr. FULTON. I understand that.

Now, I wish to say that I do not believe there were thirty persons engaged in that shooting. There may have been a dozen engaged in actually doing the shooting. There may have been a half dozen more who knew something about it. Beyond that I do not believe that these troops had anything to do with that shooting. Now, here is a great body of men who are unquestionably innocent, and simply because there are a few who probably were guilty, and because no one can point out or identify the parties guilty, it is proposed to impose on the innocent, as well, the burden of proving their innocence. How can they prove it? What are they to do to establish it? The Senator from Ohio proposes that they shall all take an oath purging themselves of any participation in it. What more can you do than put them on oath, make them liable for perjury, if guilty and if hereafter the facts establishing that shall come to light? This gives the innocent men an opportunity to purge themselves and then to be restored.

Otherwise, I ask the Senator from Missouri what he proposes to do? How are these men going to prove their innocence? What evidence are they to bring to show that they are innocent? How can a man prove a negative? How can he prove his innocence? If a specific act be charged against him, he can meet the proof offered in support of it, but how can he take up the burden of establishing his innocence?

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. FULTON. Certainly.

Mr. WARREN. I desire to ask the Senator from Oregon a question. The Senator from Oregon explains that he believes that certain of these colored soldiers are guilty of having participated in the raid and shooting up of the town. Have not all of those soldiers already taken an oath that they were not concerned in the raid, and if they committed perjury in making that oath in that regard, would they not do it again just as freely when they reenlisted as they did before?

Mr. FULTON. Quite likely. A man who would be guilty of the crime of shooting up a town would be equally liable to commit perjury, and no doubt would willingly do so. But because men are willing to commit crime, are we going to subject all men to injustice? I suppose there are men in this town who have committed burglary. Are we, therefore, to put every innocent man under the ban? Are we going to impose injustice on him in order that he may impose some penalty on the unknown guilty? By what reason or analogy, upon what principle, I ask, do you propose to impose on the great number of these men who are admittedly innocent the onerous duty, the difficult one, of proving to the satisfaction of some official their innocence? I say it is in violation of every principle of law which we have believed heretofore to be necessary for the protection of individual rights and individual liberty.

Mr. WARREN. May I ask the Senator a question?

Mr. FULTON. Certainly.

Mr. WARREN. The Senator believes, and he admits he does, that certain of these soldiers are guilty, and that they will commit perjury when they take the proposed or prescribed oath. Then, why put them to that extra crime? Why have them take the oath at all? Why not let them go into the Army without an oath? Why put before them the necessity of again taking the oath and a certain number of them again perjuring themselves?

Mr. FULTON. The Senator knows very well while it may not be an effective remedy, one which will entirely prevent guilty ones from coming in, nevertheless it may operate in some degree as a bar to exclude them, because a man having a knowledge of his guilt will be a little slow to come up and take that oath and put himself under the control of those who will be constantly watching him, constantly seeking to discover some evidence of his guilt, and who will have him in a position where they can immediately arrest him if they do secure evidence of his guilt.

Mr. FORAKER. And not only amenable to prosecution for perjury, but to court-martial proceedings.

Mr. FULTON. Certainly.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Florida?

Mr. FULTON. Certainly.

Mr. TALIAFERRO. Does the Senator from Oregon think that Congress should adopt a law that will restore perjurers and murderers to the United States Army?

Mr. FULTON. I ask the Senator if he knows of any individual who has committed perjury or murder?

Mr. TALIAFERRO. I understood the Senator to say that he believed that they had done both.

Mr. FULTON. I believe, not that they—no, Mr. President——

Mr. TALIAFERRO. I refer to members of the battalion which was discharged by the President.

Mr. FULTON. I say I believe some few of them are guilty. But does the Senator know what ones? Does anyone know what ones? The Senator knows that many of them were not guilty; he must know it. Does he propose to punish the innocent simply because he can not discover the guilty? Have we ever in our history adopted that character of rule in our jurisprudence, or in our legislation, the rule that simply because we are unable to discover the guilty we will punish the innocent?

EMPLOYMENT OF CHILD LABOR.

The VICE-PRESIDENT laid before the Senate the bill (S. 4812) to regulate the employment of child labor in the District of Columbia, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

Mr. NELSON. Is the bill being read for amendments?

Mr. GALLINGER. Let the bill first be read in full.

The VICE-PRESIDENT. The bill is being read in its entirety.

The Secretary resumed and concluded the reading of the bill.

Mr. GALLINGER. Mr. President, while I introduced the pending bill, it having come from the Commissioners of the District of Columbia with their indorsement, I thought the bill properly belonged to the Committee on Education and Labor rather than the Committee on the District of Columbia, and I moved that reference. The Senator from Iowa [Mr. DOLLIVER], the chairman of the Committee on Education and Labor, made the report, and I am very happy to pass the bill over to him for management.

Mr. DOLLIVER. Mr. President, before I begin the statement which I desire to make in respect to the terms and provisions of the bill, I desire to make a brief statement in reference to the general situation of proposed labor legislation in Congress on the subject of the employment of children.

A bill was introduced by the Senator from Indiana [Mr. BEVERIDGE], undertaking to deal in a national way with the evils of child labor. That bill also is pending. Having been referred to the Committee on Education and Labor it is pending before that committee. The present session has been one of unusual labor for the Committee on Education and Labor; hearings have occupied a good many days of their time; members of the committee have been engrossed with other occupations incident to their service on other committees; and I regret to state to the Senate that the committee has had practically no opportunity to take up or hear or come to an opinion in respect to the bill introduced by my honored friend from Indiana.

Grave questions are involved in that bill, questions of constitutional interpretation and practical questions arising out of the nature of the subject. A good many people have advanced the opinion that it is of doubtful constitutionality for Congress to undertake to deal with domestic questions arising in the various States of the Union, and that the power granted to Congress to regulate interstate commerce will have to be strained, if not entirely overstepped, should we undertake to deal with that subject in that way.

Others of the committee maintain that this question is essentially a question for each State. They assert that thirty-five or thirty-six States of the Union have already dealt with it more or less effectively, and they doubt the wisdom of transferring to the arena of national legislation a question which appears to be peculiarly suitable to the legislative discretion vested in the lawmaking power of the several States.

I do not at this time state my own views, because they have not altogether ripened into mature opinions in respect to these matters, but I will state to the Senate, and especially to my friend from Indiana, that it is the purpose of the Committee on Education and Labor, as soon as possible, certainly within the earlier days of the next session of Congress, to take up the questions involved in his bill and endeavor, if possible, to reach a conclusion and place that conclusion in the form of a report upon the Calendar of the Senate. I therefore have indulged the hope that we might now deal with the questions about which we have undoubted jurisdiction and in respect to which we are the sole legislative authority.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. Mr. President, I rise at this point, at the conclusion of that part of the Senator's remarks which were made after conferences with the Senator from Iowa [Mr. DOLLIVER] as chairman of the Committee on Education and Labor, which has the national child-labor bill in charge, and also with various Senators, to say that, in view of the Senator's assurance that the Committee on Education and Labor will soon take up the bill to which the Senator has referred, looking to an early report of the bill, so that the matter may be considered on the floor of the Senate at an early day next session, I shall not at this time offer that bill or any part of it as an amendment to the pending bill.

I had thought possibly that I might do that, but in view of the understanding that the bill will soon be reported and that surely next session we shall consider it, and also with that understanding, in deference to the desires of a good many Senators on both sides of the Chamber who have spoken to me personally about it, who do not desire at this juncture and in this connection to consider the matter in the form of a vote at this time, I defer offering any amendment to the bill now. I do that, as I said, in deference to the desire of Senators and upon the assurance which the Senator from Iowa has just given.

I want to say, if the Senator will pardon me just a moment more, that I shall expect a reasonably early report upon the bill, and I have been assured by practically all of the members of the committee on both sides, the senior Democratic Senator on that committee, the Senator from Maryland [Mr. RAYNER], and practically all of them, that that would be the disposition of every member upon both sides. I shall therefore expect a reasonably early report, and that not later than at some early time at the following session we shall consider the bill and vote upon it. The Senator from Maryland can bear me out in that statement.

Mr. RAYNER. As far as I am able—of course I am only a single member of the committee—I accede to that. I am opposed to the bill, but I certainly think it is deserving of discussion. I think it is one of the most important bills we have ever had before us, and I will agree to fixing any day for its consideration.

Mr. BEVERIDGE. Now, just one word more and I am through, if the Senator from Iowa will bear with me.

I wish to say, further, so that it may go on record, that the bill was before the committee for all of the last session, which was three months. It has been before the committee again for all of this session, which is five months. I make no complaint whatever of the committee for not earlier acting; but now that the subject is up and this agreement has been reached, perhaps a further suggestion might be made, and it is drawn out by the statement about the legislation in various States.

As I showed last year upon sworn testimony, this is an evil which is of a peculiarly shameful nature. All the time that we have been waiting and delaying this bill hundreds of thousands of American children are being permanently ruined every year, and not less than 10,000 are being killed every year by this thing.

Now, as to the constitutionality of the bill, there has been an argument presented to the Senate last year showing its entire constitutionality, which the Senator from Maryland [Mr. RAYNER] the other day referred to in too partial words, which I appreciate and for which I thank him, and that argument no man has answered or tried to answer. I was prepared to-day, except for this understanding, to go on with it. This agreement is the only reason I do not go on with it now. I merely call attention at this time to the fact that in the more than a hundred years of the existence of the Supreme Court it has never yet in one single instance failed to sustain any law brought before it prohibiting any article from interstate commerce, and to the further fact that there are now on our statute books about a score of laws prohibiting various articles from interstate commerce, some of them absolutely harmless in themselves and some of them involving manufacture. Now, that is all I desire to say. The statement of the Senator is satisfactory. Accordingly, I shall expect an early report of the bill, and at the beginning of the next session a consideration of it and a final disposition of the bill early in the session.

Mr. DOLLIVER. Mr. President, I do not intend to detain the Senate very many minutes. This bill was rather thoroughly debated at a former session of Congress. It comes before the Senate to-day, I think, in a form materially improved as com-

pared with its previous form, and I express the hope that it may be found upon examination to be satisfactory to those interested in the question.

I have been derided somewhat in the newspapers for having emphasized the importance of this bill and of legislation kindred to it applicable to the same subject. I have no apologies to make for the interest I have taken in child-labor legislation. I confess that I have been influenced largely by the opinions of educated and high-minded women all over the United States, who have, in the nature of the case, not only a peculiar interest in the subject, but a peculiar ability to understand it and a peculiar right to press their opinions upon the attention of Congress. They do not come to Congress very often with their views or their opinions; they are absent as an element in the opinions which we are forced to consider in respect to practically all of the economic questions with which the Government has to deal; but here is a question relating to the fireside and the home life of the American people, and there could be no better tribunal before which to submit such a question than the trained and skilled opinion of the women of the United States.

I therefore make no apology for the importance which I have attached to this legislation. I have been led to give it an additional importance in my own mind from the fact that we are in the District of Columbia behind nearly every well-ordered American community in respect to the provisions of our law covering questions of child labor. Nearly every great American State has seen and recognized the importance of legislation of this character. The District of Columbia almost alone among our American communities has apparently given no attention to it; its conditions have received no attention from the only lawmaking authority which exercises jurisdiction over it. I hold that that is to the discredit, in a certain sense, of the Congress of the United States, because we have here a great city, one of the great cities of the United States, and in the future, in my humble opinion, a city that will rank in population and in wealth with the great centers of population in our country.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate commerce law.

Mr. KEAN. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Jersey asks that the unfinished business be temporarily laid aside. The Chair hears no objection, and it is so ordered. The Senator from Iowa will proceed.

Mr. DOLLIVER. I have therefore been impressed with the importance of Congress giving attention at this session to the child-labor question in the District of Columbia, not only by reason of the demand for it arising from the nature of our situation here, but owing to the additional fact that other States are finding their way, slowly, it is true, to a solution of their child-labor problems, and it can not be without a high moral influence in these communities now engaged in the study of these questions that the District of Columbia has taken this forward step and has done it along the lines of the best models of legislation which have been afforded by the study of other communities.

I am not one of those inclined to speak harshly of those sections of our country which have omitted legislation of this character. We come of a hard-working race of men. We come, most of us, out of households where the labor of children was not only encouraged, but insisted upon, and there are some of us who are hereditarily old fashioned in our opinions as to what ought to be done in respect to the labor of children.

There are many occupations in which child labor is not only harmless but helpful in the highest degree. I will confess for one that if I had to choose between the idleness of children and their employment in some useful occupation, it would require a very strong argument to draw me toward legislation giving them an enforced condition of idleness.

But modern industrial and commercial conditions in the United States have practically made obsolete all our old views in respect to the work children ought to do. Those of us who have worked on a farm in our boyhood do not have the point of view which modern society requires us to take in respect to the rights of the children of this day and of this age. In the factories, in the mines, even in the saloons and theaters and places of evil resort in this District and all over the United States, indeed, children are employed; and the question is not only one of their occupation, but one of their moral character and their preparation for the business and for the duties of American citizenship.

So this legislation has arisen in these later years, not only in our own country, but in the great industrial countries of the world, not for the purpose of producing idleness among the children of the community, but for the purpose of giving them an opportunity for that intellectual culture and training without which their position in our life must necessarily be small and meager.

We have in the District of Columbia a great system of public education. It is compulsory in character, and we expend upon it annually the vast sum of $4,000,000. And yet we have year after year permitted hundreds—I may even say thousands—of children in this community to walk right past the doors of the schoolhouses, and through truancy or through the avarice of parents or guardians neglect the business of education that they may make a few paltry dollars for their own support and for the support of their families.

My position is that modern society owes to its children that leisure and that freedom from pressing occupation which, at least, is required to complete the education which the law gives freely to every boy and every girl in the United States. It is from that standpoint that a statute such as is proposed here makes especially its appeal to me.

Besides that, in the District of Columbia, from my own personal observation, from the testimony of intelligent men upon the police force, and from consultation with those who have, with a philanthropic interest, devoted some of their attention to the welfare of others and especially to the welfare of these little ones, I have reached a conclusion, and I think it is fully warranted by the facts, that hundreds of our children in this District have been allowed to drift into occupations which not only take away from them the privileges of education, but lay the foundation for that corruption of their character which no subsequent experience of their life can completely correct.

Therefore, in my judgment, it becomes a moral duty of significant influence and of tremendous pressure upon our consciences to put this District at least abreast of those communities which have successfully dealt with this question. This bill does that. I am aware that it is without any claim to being perfect, and I will consider very fully and ask the Senate to consider every suggestion that is made from either side of the Chamber toward correcting its imperfections—that is, making it more applicable and efficient for the business in hand. But when we get through with it, I want to be able to say on behalf of the Senate and of this Congress that we have done within our unquestioned jurisdiction a little, at least, to take these children out of dangerous and unnecessary employments and get them in the daytime in the public schools of the District and into their little beds at night. And with that I desire to add nothing further.

Mr. GALLINGER. Mr. President, I have three or four amendments that I should like to offer to the bill. In line 6, page 1, after the word "restaurant" I move to insert the word "saloon."

Mr. NELSON. Does the Senator intend to offer his amendments now?

Mr. GALLINGER. Yes; the bill has been read and it is now open to amendment.

Mr. NELSON. Before you go into that I should like to say a few words on the general subject.

Mr. GALLINGER. I will yield for that purpose.

Mr. NELSON. If that will be agreeable to the Senator.

Mr. GALLINGER. It will be very agreeable indeed. I yield for that purpose.

Mr. NELSON. Mr. President, I do not intend to enter into any extended discussion of this measure. I want to say in the first instance that I regard this bill with all its imperfections as a great improvement on former bills, and especially am I glad of the fact that it has given a species of immunity to newspaper boys.

I think in this matter of child labor there is a tendency to run to extremes. There is a tendency in our modern system of education to educate children away from work. I think one of the most essential parts of the education of a child is to bring that child up to work and to know how to work. It is just as important to accustom the child to labor to earn his living by the sweat of his brow and the toil of his hands as it is for the child to have a limited amount of book learning. I can not conceive of any greater calamity that can befall young boys than when there is no school where they can attend, when the school is not in session, when there is a vacation, to commit those children to absolute idleness.

In the country we know the boys and girls always find something to do on the farm. We know, as a rule, that when the children of farmers grow up they come to be the very best citizens in all this country. In fact, Mr. President, the intellectual and moral life in the large cities of the country would deteriorate in the course of a few generations were it not for the steady stream of fresh blood, fresh brains, and fresh vitality that is poured into them from the country.

Now, what does the bill propose to do in some of its features? It practically proposes to exclude all boys under 14 years of age from all possible employments in the District of Columbia. The range of employment in a town of this kind is more limited than it is in other localities or in rural communities. The bill proposes that no child under 14 years of age shall be permitted or suffered to work in the District of Columbia in any mercantile establishment, any store, any business office, any telegraph office, any hotel or apartment house, or in the distribution or transmission of merchandise or messages.

If we applied this legislation to our own body here, we would have to turn out most of the pages here. I called up one of these little boys a moment ago and asked him, "How old are you?" "I am 11 years old," he said. I called up another, and he said "I am 12 years old;" I venture to say that most of the bright boys that we have here in service every day are under 14 years of age.

Now, is it not an act of injustice and cruelty for you to commit these boys to a life of idleness when there is no school in session? Is it not as much a part of their education to teach those boys how to work and to earn their own living while they are growing up as it is to send them to school to learn a bit of grammar and a bit of geography and arithmetic?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. I am interested in what the Senator is saying about the lads not only employed here, but in the House of Representatives. I think it is the best school they can possibly find. It is interesting to state the fact that these boys are not neglecting their studies by any means. They have their schoolbooks here and many of them go to night schools. I will say to the Senator that I had been intending, unless he offers it, to submit an amendment to the bill exempting these boys from the provisions of the proposed law.

Mr. NELSON. That would be very kind. But why do you discriminate against the other boys? There are only a few who can get these favored places here in the two bodies of Congress.

Mr. GALLINGER. The other boys, of course, would include all other boys, and if we did that we would not have any law.

Mr. DOLLIVER. If the Senator from Minnesota will permit me, I would say that I shall offer no objection to his amendment exempting from the operation of this statute the children who are employed as pages and attendants in the Chamber of the Senate and of the House of Representatives. The two things that I have in mind—the moral and mental training of children—are not disturbed, I think, by their presence in the Senate; at least, I will not be one to admit that it is so.

Mr. NELSON. There are people outside of this Chamber who may differ with the Senator on that point.

I speak from my own experience, Mr. President. From the time I was 11 years old I was obliged to work for my living. When I was 12 years old I walked behind a plow and yoke of cattle and held the plow, and I want to say to Senators it was the proudest moment of my life when I was able to guide that plow and drive those oxen. I have always felt that whatever success I have had in life is owing to the fact that from the time I was a little boy I was obliged to work for my living; and I have always felt that the best part of my education was the education that taught me how to work and labor and earn my own living in my younger days.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. The Senator's experience in working as a boy, which many others on this floor have shared, was in the open air, as I understand it.

Mr. NELSON. Sometimes.

Mr. BEVERIDGE. At all events——

Mr. NELSON. I worked in a store.

Mr. BEVERIDGE. But at all events——

Mr. NELSON. I worked in a blacksmith shop. I worked in a paint shop. In other words, I boxed the compass when I was a boy in the way of employment.

Mr. BEVERIDGE. But the Senator's youth was not spent in cotton mills, sweatshops, nor coal mines, I take it.

Mr. NELSON. That is not involved in this bill. It is involved in the Senator's bill.

Mr. BEVERIDGE. Yes; that is the very point I was making. I agree very heartily with most of what the Senator is saying. The early employment of children in the open air at labor not beyond their strength undoubtedly helps to an upbuilding not only of their physical constitution, but to the formation of a self-reliant and independent character. I think that no human being who has studied this question seriously would object to that kind of employment. I am aware that the question that I asked is not covered by this bill.

But I want right at that point to emphasize a fact that I know the Senator from Minnesota heartily agrees with me upon, that such labor as he described, and which all of us agree to be useful—and all who have studied the question must so agree—is not the criminal, ruinous, and murderous employment of children in the mills, mines, and sweat shops of the country, which is the great evil which we must soon attack. It was merely for that purpose that I arose. I am much obliged to the Senator for yielding to me.

Mr. NELSON. Mr. President, the observations of the Senator from Indiana not being germane to this bill, of course, the Senator will excuse me for not replying to them at this time.

I desire to add that I think some of these reformers, while their intentions are good, are utterly mistaken. Their theory is that up to a certain age the child should be kept away practically from all kinds of work and kept in school when there is school; and when there is no school, kept in a state of idleness. They seem to believe that the whole education and development of a child consists in his attending school. I know of what I speak from my own experience—and I will give a little more of it—and I think experience is the best school. I attended one college for some three years, and after that I went into another college. I then enlisted as a private soldier in the United States Army in the civil war and served as a private and noncommissioned officer for over three years in that Army; I carried a knapsack and a gun; and I want to say to Senators that—of all the education and of all the training—the best training I ever had in my life was my three years and two months' experience in the Army of the United States. I learned lessons there that I never could have learned in any school. It not only improved me intellectually, but it improved me physically. I was trained to love and venerate this country and the flag of this country as I could not have been under any other circumstances and conditions.

While I am in favor of giving children a reasonable amount of education—that is, a reasonable amount of book learning—I do not want that part of their education which is essential to their development and well-being, to wit, that part of their education which involves their ability to earn a livelihood, to be repressed and checked. To my mind, it is as essential for a young boy growing up to learn how to work and to earn his own living as it is to go to school and learn what is laid down in the books.

Mr. President, I have often thought that in recent times in this matter of education we are running to excess. I mean by that not that every boy and girl ought not to have a good, fair education, but I think we are overdoing it to this extent: We are seeking to overeducate our people, and to educate them away from work. To my mind a boy or a girl, I repeat, ought to have a fair education, yet they never ought to be educated in such a manner that when they grow up to manhood or womanhood they feel above good, honest, hard work. We never know until we come to the end of our life's journey what may befall us, and that boy who is able to turn his hand to any kind of work and that girl who is able to turn her hand to any kind of proper work will be more successful and get through the journey of life more happily and comfortably than those who are brought up in idleness. The most helpless beings under the sun are some of the overeducated boys and girls who leave our colleges and go outside and hang around waiting for some genteel, kid-gloved employment; and if that is not at hand, they gravitate to a life of absolute idleness. Give me a boy or a girl who is not only ready to learn what is in the books at school, but is also ready to take up the tasks of life with all of life's burdens, whether they be manual labor or some lighter and more genteel work.

Now, take the bill which is under consideration. It proposes to absolutely commit every boy in this District, when there is no school in session, to a life of absolute idleness if he is under 14 years of age. What other employments than those named in the bill can a boy find in this District to engage in? He is excluded from the factory and the workshop, and it is all right to exclude him from them; but he is also excluded from mer-

cantile establishments, stores, business offices, telegraph offices, restaurants, hotels, apartment houses, theaters, bowling alleys, and the distribution or transmission of merchandise or messages. Why, he can not even carry a package from a store to a Senator's house. If the Senator from Iowa [Mr. DOLLIVER] were to go down and buy a silk hat at one of the stores here and would not want to carry it home, a boy, unless he was 14 years of age, would not have the right to take that hat up to his house.

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. DOLLIVER. I do not know whether the Senator from Minnesota is aware of it, but he has touched one of the most offensive features of child employment in the District of Columbia. Last night a lieutenant of police told me that, raining as it was, there were dozens of little fellows scurrying about this town, often in its lowest and least desirable sections, amid the haunts of vice and crime, carrying messages and packages. He also told me that nearly all the juvenile crime in the District of Columbia arose from the fact that scores of children are spoiling their moral character by this association with thieves and evil-minded persons in the lowest sections of this city, acting as messengers for merchants, for telegraph companies, and for others.

Mr. NELSON. But that is not all of the city of Washington. There is a good deal of the city of Washington that is respectable, where it is perfectly safe for boys to go. If this bill limited the boys to serving the respectable classes and in the respectable sections of the city, I think it would be all right.

Mr. DOLLIVER. That is not a practicable division of the city. You can not expect a telegraph company to discriminate——

Mr. NELSON. I want to remind the Senator from Iowa, in this connection, that there are adults who do not always keep away from those sections of the city.

Mr. DOLLIVER. That is true; but they are already spoiled.

Mr. NELSON. Unless the Senator from New Hampshire [Mr. GALLINGER] offers such an amendment, I shall move, in line 3, page 1, to strike out the word "fourteen" and to insert the word "twelve;" in lines 5 and 6 to strike out the words "mercantile establishment, store, business office, telegraph office;" in the same line, after the word "restaurant," to strike out "hotel, apartment house;" and in line 7 to strike out "or in the distribution or transmission of merchandise or messages." If the Senator from Iowa wants a limitation on that paragraph as to where these boys can deliver messages or carry merchandise in the city, I have no objection.

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. DOLLIVER. I have no dogmatic views about it; but I should like to see the District of Columbia at least present as fair an appearance to the world as does the State of Minnesota. Why should the Senator from Minnesota desire twelve years to be the minimum here, when his own State makes the minimum fourteen years?

Mr. NELSON. That is as to factories and shops. It does not include everything that this bill does.

Mr. DOLLIVER. I intend to examine it with a little more care; but I should like the District to be at least on a par with the great State of Minnesota.

Mr. NELSON. It is on a par. We do not limit the employment as it is limited in this bill. The State law of Minnesota relates to shops, mines, and factories. But I should like to ask the Senator from Iowa or the other friends of the bill to point out, after you exclude boys from all the kinds of work named in the bill, what other kind they would find to do here in the District of Columbia? Would they not have to lead a life of idleness?

Mr. DOLLIVER. Not at all.

Mr. NELSON. What could they do?

Mr. DOLLIVER. There are always household occupations; there is gardening; and, following the example of my honored friend, they might retire to the rural districts occasionally to some good farm.

Mr. NELSON. That is, the Senator thinks these boys are like Senators, and when there is no school in the city they can retire to the country.

Mr. DOLLIVER. That is the way I did; and that is the argument the Senator has made very respectable.

Mr. NELSON. I think the Senator would find that most of the boys in the city would want means to go out to the country to get employment there, and that they would be actually committed to a life of idleness.

As I have said—and I do not want to delay the passage of this bill—I am in favor of reasonable regulation, but I think it is a mistaken idea to put the limit which has been put into this bill. I think that boys, such as the messenger boys whom I see before me here, when there is no school to attend during vacation—and there have been times in the past here in this city when the schools could not accommodate all the pupils—I think during those times they ought to have an opportunity to engage in proper light employment, such employment as they could find in the city of Washington.

Most of the boys and girls are the children of poor parents, who need their help. If they are idle they are a burden to their families. Oftentimes these young boys can be of great assistance in helping their fathers and mothers to eke out a scanty living, and while they are doing that they are educating themselves and developing themselves for the harsher and rougher duties of life that they will have to meet in the future. To leave them utterly unacquainted with labor, to bring them up to a life of idleness, and to give them simply a book education, is, to my mind, a grave mistake, and it is an injustice to the boys.

Mr. GALLINGER. Mr. President, I do not care to take the time of the Senate in the discussion of the general features of this bill. If I had drafted it, I should have drafted it somewhat differently from what I find it, but, on the whole, it is a very good bill, and I am going to vote for it after I have succeeded, as I trust I may, in inserting a few and possibly inconsequential amendments in the body of the bill.

I move to insert after the word "restaurant," in line 6, on page 1, the word "saloon."

The amendment was agreed to.

Mr. GALLINGER. In line 7, before the word "theater," I move to insert the word "pool room."

The amendment was agreed to.

Mr. GALLINGER. In line 7, after the word "theater," I move to insert the word "or."

The amendment was agreed to.

Mr. GALLINGER. In line 7, after the word "alley," I move to strike out the word "or," and insert the words "nor during school hours."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 7, after the word "alley," it is proposed to strike out the word "or" and insert the words "nor during school hours."

Mr. CLAY. Mr. President, will the Senator allow me to ask him whether the amendment, if it be adopted, would make the restrictions in lines 3, 4, 5, 6, 7, and 8 simply applicable to the hours after school closed?

Mr. GALLINGER. It would not. It applies to the words that follow, and I propose to add some words after that. It would read "nor during school hours in the distribution or transmission of merchandise or messages."

Mr. CLAY. In other words, a child under 14 years of age would not be permitted to work at all in any of the places designated, nor during school hours in the distribution or transmission of merchandise or messages?

Mr. GALLINGER. They would not.

Mr. CLAY. That is not objectionable.

Mr. DOLLIVER. I should like to inquire of the Senator from New Hampshire whether that would not allow employment outside of school hours of a child in the transmission of messages without any age limit at all, so that we might have children of tender years carrying telegrams and messages all over the city?

Mr. GALLINGER. I think not. I think the 14 years applies to that.

Mr. BEVERIDGE. The fourteen years' age limit governs the whole section.

Mr. GALLINGER. Fourteen years governs the whole of the first section without a doubt. I think if the Senator examines it he will see that is so.

Mr. DOLLIVER. I have very great confidence in the judgment of the Senator from New Hampshire, but facts brought to my attention by those who have given very much more attention to the subject than either of us have convinced me that one of the most flagrant evils of child employment in cities like this is in the business of delivering messages and packages in a promiscuous way. I do not see how it will be possible to divide this District into that part of it which is reputable and that part of it which is disreputable. I should exceedingly regret to have this bill left in such a shape that a child under

14 years of age should be found anywhere about the city in the night delivering messages.

Mr. GALLINGER. I agree with the Senator on that point, and would not urge this if I believed that it did allow children under 14 years of age to do this. I think, if the Senator will read the section carefully, he will discover that the exceptions I propose by the amendment, as well as the positive inhibitions, apply to children under 14 years of age. I think when children are not in school, if there is a holiday or before the hour of 9 o'clock in the morning or after the hour of half past 3 in the afternoon, they might well be employed in this light work earning a dollar to help support the family or to take care of themselves.

Mr. BURKETT. Even under 14?

Mr. GALLINGER. No; no child under 14 years of age——

Mr. BURKETT. Or under?

Mr. GALLINGER. No; not under.

Mr. BURKETT. If the Senator puts in "nor during school hours," that clause opens up to a child under 14 years of age the distribution or transmission of merchandise or messages.

Mr. GALLINGER. Let me see. The bill reads:

That no child under 14 years of age—

That is, a child of 14——

Mr. BURKETT. Or under?

Mr. GALLINGER. No.

Mr. BURKETT. "No child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia" in any of the ways which the bill mentions.

Mr. GALLINGER. Exactly. "Nor during school hours in distribution"—no child under 14 years of age.

Mr. BURKETT. "Nor during school hours shall distribute and transmit merchandise." So that outside of school hours a child under 14 years of age will be permitted to do those two things.

Mr. GALLINGER. I confess I can not read it in that way; but possibly the Senator is right. It seems to me it is a mere exception.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. GALLINGER. Certainly.

Mr. BEVERIDGE. If the Secretary has the amendment, I suggest that he read that portion of the bill as it will read if amended, and we will see.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, saloon, hotel, apartment house, pool room, theater, or bowling alley, nor during school hours in the distribution or transmission of merchandise or messages.

Mr. BEVERIDGE. So that it would read, with reference to this particular subject under discussion, that no child under 14 years of age shall be employed during school hours in the transmission of messages.

Mr. GALLINGER. That is the way I read it.

Mr. BURKETT. "Shall be employed during school hours." Therefore they can be employed in the transmission of messages in other hours.

Mr. GALLINGER. Mr. President, the matter that I have suggested might go into the bill now, and Senators can examine it when it is reported to the Senate. I will agree to any modification, but I think I am right in my interpretation of it.

Mr. BEVERIDGE. The intent of all Senators is the same, and the language can easily be arranged.

Mr. CLAY. The Senator from New Hampshire clearly intends by his amendment to allow children under 14 years of age to be employed in the distribution or transmission of merchandise or messages when they are not in school—after school hours, I presume?

Mr. GALLINGER. My purpose is to allow any child 14 years of age to do that. I think my amendment does it; but perhaps it does not. I know how difficult it is to frame bills when we are discussing them.

Mr. CLAY. This bill simply applies to children under 14 years of age.

Mr. GALLINGER. It inhibits them.

Mr. CLAY. Those children, though, can be employed under the provisions of the amendment offered by the Senator in the distribution of merchandise or messages. Does the Senator understand it in that way?

Mr. GALLINGER. No; that is not my purpose, I will frankly say.

Mr. CLAY. Nor in the distribution or transmission of merchandise or messages after school hours?

Mr. GALLINGER. Or during school hours.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I will yield to any Senator who will give me light on this subject. I want to have this just right.

Mr. TELLER. I do not know that I can give any light, but it seems to me that this bill deals only with children under 14 years of age, and, of course, under this amendment any child, whatever his age may be, after school hours would have the right to transmit messages. That is the way it seems to me, but I do not know whether that is so or not.

Mr. GALLINGER. Mr. President, my interpretation of it is that——

Mr. TELLER. It seems to me it is better to leave it as it is; but I do not know.

Mr. GALLINGER. Very well, Mr. President; I will withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. GALLINGER. But I will move to add, after the word "messages," in line 8, the words "or selling newspapers."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 8, after the word "messages," it is proposed to strike out the period and insert a comma and the words "or selling newspapers."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. NELSON. I object to that amendment. I do not want newsboys to be cut off.

Mr. DOLLIVER. Mr. President, it will be seen that a subsequent part of that section gives to these children the right to sell newspapers outside of school hours and in the daytime. I believe that is as far as we ought to go. I myself doubt the wisdom of preventing children from selling newspapers outside of school hours within the hours of daylight.

Mr. BEVERIDGE. I call the Senator's attention to the fact that during the winter the hours of daylight close about the time the evening editions of the newspapers are issued. I merely call the Senator's attention to that, so that he can guard any amendment that is put in upon that point; otherwise it would not be possible to distribute newspapers in the winter.

Mr. GALLINGER. I will ask the Senator if he thinks that the concluding sentence of that section permits children to sell newspapers and transmit messages?

Mr. DOLLIVER. No; the sending and transmission of messages is prohibited in a former portion of the section. The remaining part of it, after their employment is previously mentioned specifically, is as to the hours when the District schools are in session and the hours of daylight. My notion was that the selling of newspapers would be included in that, and the limitation of the right to sell would be that they should not leave school to sell newspapers and that they should not be found in the nighttime on the street.

Mr. GALLINGER. Mr. President, accepting that interpretation, because the Senator from Iowa knows more about this than I do, I withdraw the proposed amendment.

The VICE-PRESIDENT. The Senator from New Hampshire withdraws his amendment.

Mr. GALLINGER. I have one other amendment to offer. After the word "evening," in line 13, I move to insert the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 13, after the word "evening," it is proposed to strike out the period and insert a semicolon and the following words:

Provided, That the provisions of this section shall not apply to children employed in the service of the Senate and the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. If the Senator from Iowa objects to the amendment I am about to propose, I will not urge it; but I have a communication from the board of education asking me to propose an amendment at the close of the bill. Section 11 reads:

That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act.

They ask me to have inserted these additional words—

And in all cases arising under an act providing for compulsory education in the District of Columbia, approved June 8, 1906.

The compulsory education law is one that is akin to the bill we are now considering. The juvenile court is doing such

excellent work with the children of the District of Columbia that the board of education would like very much to have the cases arising under that act placed under the jurisdiction of the juvenile court.

Mr. NELSON. I ask whether this is an amendment to section 1?

Mr. GALLINGER. No; it is to come in at the close of the bill.

Mr. NELSON. Before we pass section 1, if the Senator from New Hampshire is through, I have some amendments to offer to that section.

Mr. GALLINGER. Does the Senator object to the amendment I have suggested? It simply gives to the juvenile court jurisdiction of children under the compulsory education act, as it is given jurisdiction under the provisions of the pending bill.

Mr. NELSON. That ought to come in at the end of the bill.

Mr. GALLINGER. It comes in at the end of the bill. The Senator can recur to section 1.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

Mr. NELSON. I object to the consideration of that amendment, Mr. President, until we get through with other portions of the bill.

Mr. GALLINGER. Well, then, Mr. President, I will withhold the amendment. I think it is immaterial. The Senator is technical.

Mr. HEYBURN. Mr. President, I offer the amendment which I send to the desk.

Mr. NELSON. I do not intend to be technical at all; but I want to perfect section 1, and I move to strike out the word "fourteen"——

The VICE-PRESIDENT. The Chair will recognize the Senator after the amendment proposed by the Senator from Idaho [Mr. HEYBURN] is passed upon.

Mr. NELSON. I was not aware that the Senator from Idaho had proposed an amendment.

The VICE-PRESIDENT. Yes. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. After section 2——

Mr. GALLINGER. The Senator from Minnesota desires first to perfect section 1.

Mr. HEYBURN. This amendment applies to section 1.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After section 2 it is proposed to add the following:

Provided, That the provisions of this act shall not apply to the employment or work required of any child in and about the home or place of business of the parent, guardian, or custodian of such child having the duty of clothing and providing food and lodging for such child.

Mr. HEYBURN. Mr. President, upon a very careful consideration of sections 1 and 2, it seems to me that, in the absence of a provision of this kind, the child will become a very dominant factor in the household and might refuse perhaps to do chores before 6 a. m. or after 7 p. m. or to perform any labor. This bill includes restaurants and boarding houses. There are in this city quite a large number of such institutions that are conducted by women, widows oftentimes, and sometimes by the parents of children who require the assistance of the children in the minor duties of conducting these boarding houses and restaurants. If we undertake to place the child in a position where it could refuse before 7 o'clock in the morning or after 7 o'clock in the evening to assist in the performance of the ordinary duties in connection with the earning of a livelihood, we would make the child the master of the parent and we would deprive the parent of the assistance which it is only natural and proper that the child should render. Therefore, in order that there may be no doubt but that this class of service is excepted from the restrictions of this bill, I have prepared this amendment. It would hardly be becoming that a child, say 13 years of age or near 14, a big strong boy perhaps, or a girl, as you may choose, should be in a position to decline to take part or assist in the service of a house that was, for instance, a boarding house or a lodging house, where there are duties to be performed at all hours in order to make the business profitable; it would hardly be becoming that a child who is sustained and clothed and fed and housed by the parents should be in a position to say, "It is after 7 o'clock, and I will not help clean up this table or wash these dishes or make these beds or bring coal from the cellar. I will not do it, because the law says I shall not do it."

We ought not to enact a law of that kind, and it seems to me it is going a long ways toward taking the ordinary and proper custody of a child from the parent who is responsible for feeding and clothing and providing a home for the child. What would happen if the law should do what is proposed to be done by this bill—say that the child shall not contribute at all, even by the performance of these minor duties, toward the household, toward keeping the house—and the parent should say, "If the public is going to deprive me of the assistance of my family in making a living for them, I decline to clothe them or furnish a house for them?" What would you do? Do you think it would be competent for Congress to enact a law saying that the parents should provide a home and clothe and feed these large, grown children when they decline to contribute the ordinary share of labor toward keeping the household of the poor? This proposed law might work very well if everyone was rich or if people could live without regard to the making of a daily income. But it seems to me we should be very careful not to take away from the parent the right to those services at the hands of the child that are natural and proper because the child is a part of the household. If it is a properly constituted and organized child, it has an interest not only in maintaining itself, but in assisting to maintain its parents where they are feeble or there are other younger children.

Very often one or two children in a household perform absolutely essential duties toward the maintenance of other younger children and infirm and aged or crippled parents. For that reason an amendment of this kind, I think, is necessary.

Mr. BURKETT. I should like to ask the Senator from Idaho a question, since he has looked up that point. I understood the chairman of the committee to say that this bill was modeled very largely after the laws in the thirty-six States that have similar laws. Has it come under the Senator's observation that the leaving out of that clause has caused any trouble in any of the States?

Mr. HEYBURN. It is not my observation that such provisions have been omitted from the legislation.

Mr. BURKETT. The chairman said——

Mr. HEYBURN. This bill is a composite of all the bills. It contains, therefore, all the most drastic measures. Senators will find upon examination that it is not true that all of the various States having laws have gone so far as this bill goes. We have perhaps as good and efficient a child-labor law in the State of Idaho as has any State in the Union. I am thoroughly in sympathy with this class of legislation, and I have taken an active interest in educational matters all of my life. I have been more or less associated with them. So I am not without experience in the education of children. I claim that you can not take the custody of a child entirely away from the parent and then require the parent still to maintain the child. You can not do it.

Mr. BEVERIDGE. Just a word.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. The Senator is right about his statement with reference to State laws, and he might have gone still further. There is no State in the Union that has a law going as far as this.

Mr. HEYBURN. No; not one.

Mr. BEVERIDGE. Not one.

Mr. DOLLIVER. Mr. President, there is nothing in this proposed law that interferes, or possibly could interfere, with a child working in its own home. It says—

No such child shall be employed in any work performed for wages.

Mr. HEYBURN. The Senator has omitted the words "permitted or suffered" to work, in line 4, on page 1.

Mr. DOLLIVER. Yes; but there is nobody in his own home conducting "any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel"——

Mr. HEYBURN. Yes; "restaurant, hotel, apartment house." All of them are conducted in homes in this city, and are conducted largely in connection with the homes.

Mr. DOLLIVER. I think the intention of this bill is to apply only to work that is performed for others for wages, excepting these dangerous occupations where one ought not to be permitted to employ his own children.

Mr. HEYBURN. Is there any objection to the proviso?

Mr. DOLLIVER. I do not think it is necessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

Mr. NELSON. I move, in line 3, on page 1, to strike out the word "fourteen" and insert "twelve," so that the bill will read:

That no child under 12 years of age shall be employed, etc.

Mr. DOLLIVER. Mr. President, I call attention to the fact that practically every State in the Union has made the limit 14, including the State of Minnesota, and while it is true that the statute of the State of Minnesota applies only to factories or workshops or mines, yet it distinctly says that he shall not

be employed in any mercantile establishment or in the service of telegraph, telephone, or messenger companies, except during the vacation of the public schools.

I should regard the reduction of this minimum limitation of age as placing the District of Columbia in a position distinctly inferior to that assumed by nearly every State in the Union.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was rejected.

Mr. NELSON. I move, in line 5, page 1, to strike out the words "mercantile establishment, store, business office." The object of the amendment is to permit boys to work in mercantile establishments and stores and business offices.

Mr. DOLLIVER. Mr. President, I again call the attention of the Senate to the fact that that distinctly places the District of Columbia in a position morally inferior to the State of Minnesota. The statute of Minnesota provides that no child under 14 years of age shall be employed in a factory or workshop; and yet my friend the Senator from Minnesota proposes to strike out "workshop."

Mr. BEVERIDGE. No.

Mr. NELSON. No; I leave in "workshop." I have merely moved to strike out the words "mercantile establishment, store, business office." That is all. They are not excluded under the laws of the State of Minnesota, except during school hours.

Mr. DOLLIVER. My own observation is that there are few abuses in the employment of children equal to the abuses in the department stores of the United States, and especially at those seasons of the year when the store is crowded with people. I should regret exceedingly to have the District of Columbia statute leave it open to these employers to impress into their service children of tender years.

Mr. SCOTT. Will the Senator from Iowa permit me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. SCOTT. Provided this is not stricken out, could you employ your own son in your own law office, if you were in the District of Columbia?

Mr. DOLLIVER. I would not want to do it prior to his attaining the age of 14 years.

Mr. SCOTT. Did the Senator ever do any work prior to the age of 14?

Mr. DOLLIVER. Yes, sir; some.

Mr. SCOTT. I have not any doubt that the Senator——

Mr. DOLLIVER. I got out of as much of it as I could, I will say to the Senator.

Mr. SCOTT. I myself know a little of the Senator's history, and I am sure he was like a good many of the rest of us. He had to rustle in order to get something to eat. I am sure he would not want to prevent a boy who has nothing to depend upon but his own labor from earning a sufficient amount at least to provide himself with some few clothes and a place to sleep. He would not compel him to go to the poorhouse.

Mr. DOLLIVER. No; I would not. If I had my way about it, I would have these boys out in the open air, under the sky.

Mr. SCOTT. I am sure the Senator would, and if I had my way, I would have all of them educated sufficiently. But we can not all have what we would like in this world. There is theory and there is a practical condition. I have been an employer of labor for thirty-eight years, perhaps longer—at least from the close of the civil war.

I have in mind one man who is a stockholder in the company of which I am president. He is to-day a stockholder and a director in this large company. He was left a poor boy. If he had not been allowed to learn a trade and to earn a living, no doubt to-day he would have been like many others, a burden upon the community in which he lives. But by permission to work before he was 14 years of age, or when he was 14 years of age, he made his start, his habits were formed, and he accumulated a sufficient amount of money to enable him to raise a family respectably and to educate them.

Now, as I said a moment ago, there is theory and there is practice. I will not disguise the fact that I was left a poor boy. I had to start to earn my own living at 9 years of age. Suppose I had been deprived of that privilege. What would be my condition to-day as compared with what it is? I have, as the superintendent of the factory belonging to the company of which I am president, a man who came to me as a boy very little over 12 years of age one snowy morning and announced to me that his mother had been buried the day before, and that he had been left the sole support of three little sisters and a brother; one sister older than he and the others younger. A very charitably disposed woman sent this boy to me and said that she knew I would give him something to do. I did, and I gave his older sister employment in wrapping glass with paper in the warehouse. Those two children worked for me, and I sent the boy to night school. To-day he is worth probably $50,000, the superintendent of the factory of which I am president, with from four to eight hundred people in its employ at different times; an honorable, respectable citizen. If he had been deprived, under a law similar to this, of the opportunity of earning his own living and a living for his sisters and little brother, they would all have become charges upon that community and possibly would have become mendicants or paupers.

Now, gentlemen, these are facts. This statement can not be controverted truthfully; and if you are going to deprive a boy of doing any manual labor to earn a living until he reaches the age of 16, you will make an undesirable citizen of him, because he will never, in my judgment, learn to do manual labor or take to it after he is 16 years of age. He must be taught industry; he must be taught hardships and what life means before he reaches the age of 16, or he will never make a citizen willing to do manual labor.

Then if you educate them—and you are going to educate them all—who will do the manual labor of this country? Shall we import labor from foreign countries or shall we have our own labor? I hope Senators will look at this question from a practical as well as a theoretical standpoint.

Mr. DOLLIVER. Mr. President, there has probably never been stated in a more persuasive form the argument against the interference of law with the employment of children than the statements which have been made here to-day by my honored friend, the Senator from West Virginia [Mr. SCOTT], and by the Senator from Minnesota [Mr. NELSON], and I confess that it has appealed very strongly to my conservative view of things whenever my attention has been directed to the history of such exceptional careers as these men have had. The argument drawn from the statement which the Senator from West Virginia has made has always had a great deal of influence; it has operated to influence legislation in all industrial countries, but not altogether to stop the progress of child-labor reform; and for this reason: Men perceive that the present-day occupations of children are not such occupations as gave strength and vigor and hope and success to the careers of the Senator from Minnesota and the Senator from West Virginia.

Men perceive also that modern industrial conditions have eliminated that kindly, fatherly attitude of employers toward employees that enabled the Senator from West Virginia to take orphaned children by the hand and look carefully to their welfare, guarding their bodies against overwork, guarding their minds against the corruption that surrounds life, and bringing them up practically as a father would bring up his children, in kindliness and constant supervision of their welfare. If all the employments of American labor had been such employments as gave credit to the early youth and manhood of the Senator from Minnesota, the question of child labor would never have arisen in this world at all; and if the employers of labor throughout the United States and throughout the world had had the broad, generous, manly, fatherly heart that has always governed the Senator from West Virginia as an employer of labor, such a question as this would never have vexed the Parliament of England or the legislature of Massachusetts or the legislatures of the thirty-six other States in the Union, coming at length even to the attention of the Congress of the United States.

While I admit the force and persuasive eloquence with which my friend the Senator from West Virginia has touched in meager detail the outlines of the great career which has been given to him in this world in the good providence of God, I should dislike to have such an experience and such an example influential in the defeat of legislation intended to help as a whole the great body of children in the United States who are under the despotism of the child-labor customs which prevail in a great many sections of our country.

Mr. BRANDEGEE. I should like to move an amendment. In line 4, page 1, I move to strike out the words "or suffered."

The VICE-PRESIDENT. The pending amendment is the one proposed by the Senator from Minnesota [Mr. NELSON], which will again be stated.

The SECRETARY. On page 1, line 5, it is proposed to strike out the words "mercantile establishment, store, business office."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. NELSON. A division, Mr. President.

Mr. SCOTT. I hope we will have a division on the amendment. I am sure the Senator from Minnesota and I and others here want to give a good bill to the District of Columbia, but those five words could come out without doing this bill any injustice whatever, and they certainly would give a little leeway for a poor boy in order to earn his bread.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota, on which a division is demanded.

Mr. GALLINGER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KEAN. Let the amendment be again stated.

Mr. BACON. I ask that the amendment may be again read.

The SECRETARY. On page 1, line 5, it is proposed to strike out the words "mercantile establishment, store, business office."

Mr. SCOTT. Five words.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily absent from the Senate. I transfer the pair to the senior Senator from Kansas [Mr. LONG] and will vote. I vote "yea."

Mr. FRAZIER (when his name was called). I again announce a standing pair with the Senator from South Dakota [Mr. KITTREDGE]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CULLOM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I do not see that he is present, but I will let my vote stand and transfer the pair to the junior Senator from New Jersey [Mr. BRIGGS].

Mr. DANIEL. I am paired with the Senator from North Dakota [Mr. HANSBROUGH], and therefore withhold my vote.

Mr. BACON. I have been requested to announce that the junior Senator from Florida [Mr. MILTON] is paired with the Senator from New York [Mr. PLATT].

The result was announced—yeas 32, nays 30, as follows:

YEAS—32.

Ankeny	Foster	Nixon	Stephenson
Bankhead	Fulton	Overman	Stewart
Borah	Gary	Paynter	Sutherland
Clapp	Johnston	Penrose	Taliaferro
Clark, Wyo.	McLaurin	Richardson	Teller
Curtis	Money	Scott	Warner
Dillingham	Nelson	Simmons	Warren
Foraker	Newlands	Smoot	Wetmore

NAYS—30.

Allison	Burnham	Frye	McCreary
Bacon	Burrows	Gallinger	McCumber
Beveridge	Clay	Guggenheim	Perkins
Bourne	Cullom	Heyburn	Piles
Brandegee	Dick	Hopkins	Rayner
Brown	Dixon	Kean	Smith, Mich.
Bulkeley	Dolliver	Knox	
Burkett	Flint	Lodge	

NOT VOTING—30.

Aldrich	Davis	Hansbrough	Owen
Bailey	Depew	Hemenway	Platt
Briggs	du Pont	Kittredge	Smith, Md.
Carter	Elkins	La Follette	Stone
Clarke, Ark.	Frazier	Long	Taylor
Crane	Gamble	McEnery	Tillman
Culberson	Gore	Martin	
Daniel	Hale	Milton	

So Mr. NELSON's amendment was agreed to.

Mr. PAYNTER. I propose an amendment, to be inserted on page 4, line 24.

The VICE-PRESIDENT. The Senator from Kentucky proposes an amendment, which will be stated.

Mr. NELSON. I have another amendment to offer to section 1.

The VICE-PRESIDENT. The Chair recognizes the Senator from Kentucky, and will recognize the Senator from Minnesota after the amendment now submitted is disposed of. The amendment proposed by the Senator from Kentucky will be stated.

The SECRETARY. On page 4, line 24, after the word "superintendent," insert the following proviso:

Provided, That in exceptional cases the superintendent of public schools or the person authorized to act for him may, in writing, waive the necessity of the schooling certificate provided for in this act, and in such cases the age certificate shall entitle the holder to be employed without a violation of this act.

Mr. PAYNTER. Mr. President, I will state my purpose in proposing the amendment. In section 5 it is provided:

And that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and thirty days during the school year previous to arriving at the age of 14 years, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic, to and including fractions.

A child of proper age may be brought into this District a month, for instance, or a week before the application is made for the privilege of work; or, in another case that I have in mind, a child might be sick during the one hundred and thirty days he has been required by the act to attend school; and another case might be where a child has had no opportunity to acquire an education as is required by the act. It seems to me that under such circumstances the superintendent of public schools ought to be permitted to waive the necessity of this schooling certificate.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. PAYNTER].

The amendment was agreed to.

Mr. NELSON. I offer an amendment, to come in at the end of line 11, on page 1. It is to insert after the words "session" the words "and he or she is permitted to attend the same," so as to read:

During the hours when the public schools of the District of Columbia are in session and he or she is permitted to attend the same.

There are times here, there have been in the past, and there may be in the future, when the schools are in session and all the children can not attend. There is not room for them. That has been the case in the past, and it may be in the future. So to perfect the law, I think, the words should be inserted, "and he or she is permitted to attend the same;" that is, not only must the school be open, but it must be open so that the child in question can attend the same.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. In section 1, page 1, line 11, after the word "session," insert the words:

And he or she is permitted to attend the same.

Mr. DOLLIVER. I may be in error, but I think the situation in the contemplation of the Senator from Minnesota would be fully covered by the amendment that has just been adopted, the amendment offered by the Senator from Kentucky. I inquire of the Senator from Kentucky if it would not be included in the scope of his amendment?

Mr. PAYNTER. I do not quite understand the scope of the amendment proposed by the Senator from Minnesota. I was not giving it attention.

Mr. DOLLIVER. It is an amendment adding words which will exempt the child from the necessity of attendance at school when there is not room in the schoolhouse to receive such child.

Mr. PAYNTER. My opinion is that that would be an exceptional case provided for.

Mr. DOLLIVER. It would be covered by your amendment.

Mr. PAYNTER. I think so.

Mr. DOLLIVER. I should judge so.

Mr. NELSON. But that relates to another part of the bill, and I think it ought to go in here to make the bill clear.

Mr. BURKETT. If I understand the amendment, it certainly ought not to go in. In the first place, it is not a practical thing. The illustration that has been used by the Senator from Minnesota does not apply in the slightest. There are a few schools in the first, second, and third grades in which children from 5 to 7 years old have not had school room enough for more than half a day. But they could get this same certificate if they attend those. There are enough schools to take care of all the children as the law requires for half a day; but that applies only to the first three grades, which would take them up to 7 years of age. Certainly the Senator is not arguing for anything here that is going to look to the employment of children prevented by the bill previous to 7 years of age. So his amendment is of no consequence.

If you put that amendment in, however, it simply destroys the whole section, in my opinion. I call the attention of the Senator in charge of the bill to the language of the section. It reads:

No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session.

Now, the Senator proposes to add, "if he or she is permitted to attend the same." Permitted by whom? Permitted how? There may be a good many things to prevent a child from attending school aside from not being supplied with school room. But it is not a practical matter, because there are schoolhouses enough here, and there is not any danger now. We are probably in a worse condition now in reference to schoolhouses than we will ever be again, brought about by the necessity of abandoning some schoolhouses on account of lack of fire escapes, but those we provided for in the appropriation bill the other day. So it is not a practical matter.

Mr. DOLLIVER. I think in addition to what the Senator from Nebraska has said the matter is fully covered by the amendment of the Senator from Kentucky already adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. NELSON].

The amendment was rejected.

Mr. NEWLANDS. In line 8, page 1, after the word "messages," I move to insert:

That no child under 14 years of age shall be employed in any mercantile establishment, store, or business office without the approval of the juvenile court of the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada.

Mr. NELSON. That would utterly destroy the effect of the amendment that was agreed to a short time ago.

Mr. NEWLANDS. Mr. President, I voted a few moments ago for the amendment offered by the Senator from Minnesota excluding from the provisions of this section the words "mercantile establishment, store, and business office." I voted for that amendment because I thought there might be many cases in which it would be advisable that children under 14 years of age should have light employment of this order, and I was moved to that view by the earnest appeal made by the Senator from Minnesota that you could commit no greater cruelty than to consign a child to idleness.

I can understand that there are many cases where the strength, the health, and the conditions surrounding a child under 14 years of age might make it very advisable that the child should have the advantage of employment of this kind, but it seems to me that wherever that employment is to be given, it should have the approval of some board or organization charged with the duty of protecting children and particularly weak children. The bill provides for the jurisdiction of the juvenile court of the District of Columbia in all cases arising under this act, and I assume that that court is a court controlled by the highest considerations of humanity, and it could not be induced, except where the conditions absolutely warrant it, to give its approval to the employment of a child under 14 years of age, even where the employment may be of so light a character as is required in mercantile establishments, stores, and business offices.

I therefore urge that this amendment would be entirely appropriate, and that it is wholly consistent with the humane spirit of the act.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. NEWLANDS.]

The amendment was rejected.

Mr. BEVERIDGE. I suggest an amendment, probably omitted by oversight, which I suppose the chairman will accept. On page 5, after the word "shall," at the end of line 4, the words "be deemed guilty of a misdemeanor and" should be inserted.

Mr. DOLLIVER. That is a very proper insertion.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Indiana.

The SECRETARY. In section 6, on page 5, after the word "shall," at the end of line 4, insert the words "be deemed guilty of a misdemeanor and."

Mr. GALLINGER. Let the comma after "shall" come out.

Mr. BEVERIDGE. Yes.

The amendment was agreed to.

Mr. NELSON. In section 6, on page 5, lines 1 and 2, I move to strike out the words "under 16 years of age, and." That is utterly inconsistent with the first section of the bill. It reads now:

That whoever employs a child under 16 years of age * * * shall be deemed guilty of a misdemeanor and for such offense be fined not more than $50.

In the first section the limitation is 14 years of age. The two provisions are utterly inconsistent. While under the first section it is lawful to employ a child over 14 years of age, in this section you make it a penal offense to employ any one under 16 years of age. The words "under 16 years of age" should be stricken out.

Mr. DOLLIVER. I think the Senator from Minnesota is in error. The first section to which he refers is applicable to all children and the occupations named, and this limitation of 16 years is applicable to children who ought to be in school. It refers to the employment of children during school hours.

Mr. NELSON. It is general. It reads—

That whoever employs a child under 16 years of age——

Mr. DOLLIVER. Yes.

Mr. NELSON. Shall "be fined not more than $50." It is unconditional.

Mr. DOLLIVER. It is unconditional; but if the Senator will read the whole section, he will see that it is made dependent upon the school certificate and the duty of the child to be in school.

Mr. FULTON. I wish to ask the Senator from Iowa a question. Section 6 reads:

That whoever employs a child under 16 years of age, and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 1, 2, 8, or 9 of this act.

Why does not that refer to the exact matter that is prohibited in section 1? It refers to section 1.

Mr. DOLLIVER. Section 1 is a prohibition under 14 years of age applicable to certain employments that are named, and the last half of it is applicable to all employments during the hours that the school is in session.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. DOLLIVER. Certainly.

Mr. TELLER. I wish to call the attention of the Senator who has this bill in charge to section 2, which provides:

That no child under 16 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any of the establishments named in section 1—

Why in section 1 is the age 14 years and in section 2 16? The same employment exactly is described in the same places.

Mr. DOLLIVER. The object of section 1 is to prohibit in the named occupations the employment of children under 14 and the object of section 2 is to prohibit the employment of children under 16 in the same employment when the schools are in session.

Mr. TELLER. In section 6, on the fifth page, you have the same provision again as to children under 16.

Mr. DOLLIVER. Yes; that relates to the employment of children under 16 "after being notified by an inspector authorized by this act or a truant officer of the District of Columbia," the idea being to make an absolute prohibition in certain occupations of children under 14 and a limited prohibition within school hours of children under 16.

Mr. NELSON. If the Senator from Iowa will allow me to make a suggestion, you can make the bill perfectly clear in that particular by striking out, after the word "child," in line 1, on page 5, down to and including the word "age" in line 3, and inserting the word "or," so as to read:

That whoever employs a child, or permits such child to be employed, in violation of sections 1, 2, 8, or 9 of this act—

And so forth. There is no doubt at all but that would make it perfectly clear. I suggest that to the Senator.

Mr. BEVERIDGE. It does not even need the specification of the sections, but it should read "whoever employs a child in violation of this act." The language as it stands now is not harmonious. The sections 1 and 2, as I undertand the intent, are perfectly clear and all right, but this language is certainly inharmonious with those sections. It ought to be remodeled. I think the suggestion of the Senator from Minnesota clears up the whole thing, and even the reference to the sections might be left out, so as to read, "whoever employs a child in violation of this act."

Mr. DOLLIVER. If these amendments are offered and on inspection they appear to accomplish that result, I shall offer no objection to them. The bill, however, has been carefully drawn and carefully inspected by the Senator who introduced it, and this language, it seems to me, appears to be suited to the case. It may be a little complex, but it is a complex situation.

Mr. TELLER. Mr. President, I can not understand the bill. The two provisions are absolutely incongruous. We should either limit the years to 14 or to 16, one or the other. If you want "16" to stand, you should strike out "14." I do not like to move to strike out, but I certainly do not know what the bill means.

Mr. DOLLIVER. Section 5 is an effort to enforce the provisions in relation to the age of schooling certificates.

The VICE-PRESIDENT. The Chair would suggest that the pending question is on the amendment offered by the Senator from Minnesota and that it should be first considered.

Mr. FULTON. I wish to ask the Senator from Iowa what the purpose of section 6 is? He has explained section 5, but what is the purpose of section 6?

Mr. DOLLIVER. The purpose of section 6 will be discovered by reading section 4, which provides:

That an age and schooling certificate shall not be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child.

Then the certificate is provided for and the form of it is given in section 5. Then section 6 proceeds:

That whoever employs a child under 16 years of age, and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 1, 2, 8, or 9 of this act shall be deemed guilty of a misdemeanor, and for such offense be fined not more

than $50; and whoever continues to employ any child in violation of any of said sections of this act, after being notified by an inspector authorized by this act or a truant officer of the District of Columbia, shall for every day thereafter that such employment continues be fined not less than $5 nor more than $20.

Mr. FULTON. I ask the Senator to explain to me, if he kindly will, as doubtless he can, how you could employ a child of 15 years of age in violation of section 1.

Mr. BURKETT. If he could not he could not be fined, I will say to the Senator.

Mr. DOLLIVER. Of course section 1 confines the minimum limitation to 14 years.

Mr. FULTON. Section 6 says: "Whoever employs a child under 16 years of age in violation of section 1." How can you employ one under 15 years of age in violation of section 1?

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. DOLLIVER. Certainly.

Mr. McCUMBER. It seems to me the difficulty is fully met and remedied by the suggestion of the Senator from Minnesota, and that is that you strike it out, so that it will read:

That whoever employs a child or permits such child to be employed in violation of sections 1, 2, 8, or 9—

shall be punished, and so forth. There can be no question about that.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. In section 6, page 5, lines 1, 2, and 3, strike out the words "under 16 years of age, and whoever, having under his control a child under such age," and insert the word "or," so that if amended it will read:

That whoever employs a child or permits such child to be employed in violation of sections 1, 2, 8, or 9 of this act shall be deemed guilty of a misdemeanor, and for such offense be fined, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. BRANDEGEE. I move to strike out, on page 1, line 4, the words "or suffered" and to insert the word "or" at the end of line 3, so that it will read:

That no child under 14 years of age shall be employed or permitted to work in the District of Columbia, etc.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Connecticut.

The SECRETARY. On page 1, line 4, strike out, after the word "permitted," the comma and the words "or suffered," and before the word "permitted," in the same line, insert the word "or," so that if amended it will read:

That no child under 14 years of age shall be employed or permitted to work in the District of Columbia in any factory, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

Mr. BRANDEGEE. I move, on line 7, after the words "bowling alley," to insert the words "billiard room."

Mr. BEVERIDGE. That has already been put in.

Mr. BRANDEGEE. The words "pool room" were put in, but not the words "billiard room." I move to insert the words "billiard room" where I have stated.

The amendment was agreed to.

Mr. BRANDEGEE. On page 1, line 12, I move to change the word "or" to the word "nor"—the third word from the end of the line.

Mr. DOLLIVER. In what section is that?

Mr. BRANDEGEE. Section 1, line 12, where it reads:

Nor before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening.

It should read:

Nor after the hour of 7 o'clock in the evening.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 1, page 1, line 12, after the word "morning," it is proposed to strike out the word "or" and insert "nor," so as to read:

Nor before the hour of 6 o'clock in the morning nor after the hour of 7 o'clock in the evening.

The amendment was agreed to.

Mr. BRANDEGEE. In section 2, page 2, line 2, I move, after the word "permitted," to strike out the words "or suffered," and to insert the word "or" after the word "employed," so as to make it read in conformity with section 1 as amended.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 2, page 2, line 2, after the word "permitted," it is proposed to strike out the comma and the words "or suffered;" and before the word "permitted," in the same line, to insert the word "or," so as to read:

SEC. 2. That no child under 16 years of age shall be employed or permitted to work in the District of Columbia, etc.

The amendment was agreed to.

Mr. BRANDEGEE. In section 4, page 2, line 16, after the word "that," I move to strike out the word "an" and to insert the word "no;" and in the same line, after the word "shall," to strike out "not," so that it will read:

SEC. 4. That no age and schooling certificate shall be approved unless satisfactory evidence is furnished—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 4, page 2, line 18, after the word "baptism," I move to insert "or other religious record," so as to read:

Attested transcript of the certificate of birth or baptism or other religious record of such child.

The amendment was agreed to.

Mr. GALLINGER. The Senator will observe that in line 19 those words are used. He will want to move to strike those out.

Mr. BRANDEGEE. I want to move to strike out those. This transfers them to a different place.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 4, page 2, line 19, after the word "child," it is proposed to strike out "or other religious record" and the comma.

The amendment was agreed to.

Mr. BRANDEGEE. I should like to ask the Senator from Iowa [Mr. DOLLIVER] if the last word in line 20, on page 2, the article "a," should not be changed to the word "such," so that it will read "of such child." That is, to make it relate to the children provided for in this bill and not to a child of any age.

Mr. DOLLIVER. I think that would improve the phraseology.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE] will be stated.

The SECRETARY. In section 4, page 2, at the end of line 20, it is proposed to strike out the article "a" and to insert "such," so as to read:

Custodian of such child.

The amendment was agreed to.

Mr. BRANDEGEE. In section 6, page 5, line 7, the bill reads: "After being notified by an inspector." I should like to ask the Senator from Iowa if there should not be inserted after the word "notified" the words "of such violation," so that the bill may state what the inspector was to notify the party of?

Mr. DOLLIVER. That would be satisfactory.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 6, page 5, line 7, after the word "notified," it is proposed to insert the words "of such violation," so as to read:

After being notified of such violation by an inspector—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 6, page 5, line 13, where the bill speaks of the "age or schooling certificates," I think the word "or" should be changed to the word "and," which is the term used all through the remainder of the bill. I suggest that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 6, page 5, line 13, after the word "age," it is proposed to strike out "or" and to insert "and," so as to read:

Any age and schooling certificate—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 8, page 6, line 11, I think the words "or suffered" should be stricken out and the word "or" inserted after the word "employed," in the same line, and that the comma after the word "employed" should be stricken out.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 8, page 6, line 11, after the word "permitted," it is proposed to strike out the comma and the words "or suffered:" and before the word "permitted," in the

same line, to insert the word "or" and to strike out the comma after the word "employed," so as to read:

That no minor under 16 years of age shall be employed or permitted to work in any of the establishments—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 9, line 18, the previous section, section 8, having spoken of minors under 16 years of age, line 18 speaks of "such persons." This should refer to the minors in the previous section. I ask the Senator from Iowa as to that.

Mr. DOLLIVER. I judge so.

Mr. BRANDEGEE. Then I move to strike out the word "persons," where I have indicated, and to insert the word "minors" in lieu thereof.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 9, page 6, line 18, it is proposed to strike out the word "persons" and to insert in lieu thereof the word "minors," so as to read:

SEC. 9. That every employer shall post in a conspicuous place in every room where such minors are employed—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 9, page 6, line 25, I move to strike out the word "person," and to insert in lieu thereof the word "minor," so as to read:

The employment of any such minor for a longer time in any day than that so stated shall be deemed a violation of this section.

The amendment was agreed to.

Mr. PILES. Mr. President, in section 1, page 1, line 13 of the bill, I propose the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. At the end of section 1, on page 1, line 13, it is proposed to insert:

Provided further, That any judge of the supreme court of said District may issue a permit for the employment of any child between the ages of 12 and 14 years at any occupation or employment not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support in whole or in part of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judges of said court shall prescribe.

Mr. PILES. Mr. President, I proposed a similar amendment to this bill when it was up for consideration in the Senate at the last session, I think it was. I did that because a number of States in the Union have laws similar to that which is proposed by this amendment and, furthermore, because I believe that the occasion may arise where it may become necessary for a child to perform temporary work in order to support his mother or his disabled father or himself. I think the child should have that right where it can be shown to the satisfaction of the judge, who shall reserve the power to revoke the permit at any time he sees fit, that the child may be employed in a place which will not be injurious to his health or detrimental to his morals. In other words, I believe that if a young boy wishes to take care temporarily of a widowed mother or of a disabled father or provide for himself, he should have the right to do so, if a judge of the court, who presides over the property rights, the lives, and liberties of the people, says, in his judgment, that the employment in which a child may be employed will not be detrimental to his morals or his health. For that reason I have proposed this amendment. Such a law exists in the State of Washington and in many of the other States of the Union.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. PILES. Certainly.

Mr. GALLINGER. With my present light, I shall vote against the Senator's amendment; but I rose to suggest to him that, if it is to be adopted, I think the judge of the juvenile court should be the judge to act in this case.

Mr. PILES. I will consent to that.

Mr. GALLINGER. That would be very much better than one of the judges of the supreme court.

Mr. PILES. I have no objection to any judge acting.

Mr. GALLINGER. Let the Senator's amendment be modified to read "the judge of the juvenile court."

Mr. PILES. I accept the modification.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington as modified.

Mr. TELLER. I do not believe anybody here knows, or, at least, very few know, what the Senator's amendment is. I know I do not.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. On page 1, after the amendment adopted at the end of line 13, it is proposed to insert the following proviso:

Provided further, That any judge of the juvenile court of the said District——

Mr. GALLINGER. No; it should read "the judge." There is only one judge of the juvenile court.

Mr. TELLER. Yes; it should read "the judge."

The Secretary read as follows:

Provided further, That the judge of the juvenile court of said District may issue a permit for the employment of any child between the ages of 12 and 14 years at any occupation or employment not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support in whole or in part of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe.

Mr. LODGE obtained the floor.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. TELLER. I want to take the floor for only a moment.

Mr. LODGE. I have the floor, but I am perfectly willing to yield it to the Senator.

Mr. TELLER. No; let the Senator go on and I will follow after he concludes.

Mr. LODGE. Mr. President, it seems to me from hearing the amendment read that the Senator from Washington can achieve his purpose more simply by voting against the bill. In the first place, it would convert the judge into an executive officer. I think it would put a duty on the court that distinctly does not belong to a court. In the second place, instead of giving the child rights, you take his rights from him, because anyone who wishes to employ his labor can go into court, make out a case, and the child would be perfectly helpless. It appears to me that it would be a very destructive amendment to the bill.

I come from a State where there are many industrial centers, where we have stringent laws to prevent child labor. With such laws I have always been in the most complete sympathy, and I think no one can realize fully the misery of child labor unless he is familiar with industrial centers and great cities where child labor is seen in its worst form.

We have a body of inspectors in the State to enforce the law, but even then, with stringent laws and the best inspection we can get, the greed of parents or guardians or persons who have control of helpless children leads to their employment in all sorts of work in which they ought never to be employed—work which stunts them physically, destroys them morally, and prevents their ever getting a suitable education.

Mr. FULTON. Mr. President, will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. Certainly.

Mr. FULTON. I ask the Senator if he thinks that the conditions which he describes are likely to obtain in the territory covered by this bill. I can understand that the conditions the Senator describes would require a much more stringent law than would be necessary for the District of Columbia or the Territories?

Mr. LODGE. Mr. President, here in the District there are a few factories, but it is not an industrial center. We have, I am sorry to say, stricken out the words "mercantile establishment, store, business office," and I hope that when the bill reaches the Senate a move will be made to restore the word "store" at least.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Certainly.

Mr. GALLINGER. I will say that I had in view to ask for another vote on that amendment when the bill reaches the Senate. I shall ask that that amendment be reserved at the proper time.

Mr. LODGE. Moreover, Mr. President, it must be remembered that while the bill itself only covers the city of Washington and the District of Columbia, the national law adopted for this District will have an effect throughout the country and

will be looked upon as a standard. I think this bill, in the condition in which it now is, is a very mild measure indeed. I think it amounts to about as little as it can and do anything for the protection of children.

One of the subjects, Mr. President, which, it seems to me, is most important at the present time is to try to guard and protect the children and to see that they are educated. The children that this bill seeks to protect are not those of intelligent parents, who are anxious to educate and care for their children. The children we are trying to protect are those who either have no proper guardians or whose parents are willing to work them for the sake of the money they can get in that way. The bill goes but a very short distance, it seems to me, and I sincerely hope that no such door as this will be opened to enable the employment of children in work which can not but be detrimental to them, which would keep them from school, and which would be injurious to their health and morals.

It is impossible that any one man sitting in a court in this town can judge about these cases of children; they would come before him by the score, and it would be utterly out of the question for him to render judgment that would be of any value. He would have to go on the affidavits of people who wanted to make money out of the child, and it is a great deal better to leave the law as it is and try to keep the child at school and protect it.

Mr. TELLER. Mr. President, this is a very important bill. The friends or the enemies of this measure, I do not know which, have found a great many errors in it, and so there have been a large number of amendments made. This is another amendment of great importance, and in some respects I should think it might be of value to the bill, and in others it might not.

There is one thing in it which strikes me, and that is, while it might relieve the conditions created by this bill, it seems to me the question of who is going to make this application to the court has not been as carefully considered as it should be. The application should be made, if made at all, it seems to me, by the parent of the child, if he has a parent, or by his guardian. I should not think it would be wise to let the school authorities do that, and I certainly should not think it would be wise to let anybody do that who might be interested in relieving this bill of what may be its severity in some particulars.

The Senator from Massachusetts [Mr. LODGE] thinks this bill is not a severe bill. I think as it came into the Senate it was a pretty severe bill. The Senator from Massachusetts speaks about a national bill.

Mr. LODGE. The Senator misunderstood me. I did not say anything about a national bill.

Mr. TELLER. I understood the Senator to refer to a national bill.

Mr. LODGE. I said this is national legslation for the District of Columbia, and will be looked to as an example by the country. I said nothing at all about a national bill.

Mr. TELLER. I am glad I made the mistake. I hope the Senator will not present anything of that kind; but the colloquy that took place between the Senator from Indiana [Mr. BEVERIDGE] and the Senator who has this bill in charge [Mr. DOLLIVER] indicated very certainly that this is to be followed by a national bill. I have seen in the newspapers that this is to be the model which we are to follow in the national bill, which is sure to come to us at the next session, and a copy of which I suppose I have on my table now.

Mr. President, in my judgment if there is anything settled in this country at all, it is that the police power of the States can not be invaded by the United States. While we have unquestioned power to legislate for the District of Columbia, and while I approve this legislation in the main and expect to vote for it, yet I should not find myself able at any time to vote for a national law containing these provisions. I believe a majority of the States have already laws of this character. I do not know that any State where it is necessary has neglected to enact such a law. We did not have any such laws in my youth, and I do not suppose we then needed them, because I never heard then of children being huddled in a factory. The boys would work in stores occasionally, but I never heard of any necessity for a law of this kind. As the country grows older, however, the population more numerous, and the manufacturing interests of the country larger, they draft a large number of children. I agree with the Senator from Massachusetts that the employment of children in mills and factories is very injurious, very hurtful, and, as he states, that there is a class to whom our hearts ought to go out and whom we ought to protect and take care of.

The average American home will find its protector there. The American farmer and the American mechanic, as a rule, will take care of his own children and will send them to school if school is open. I understand that in this city we have a compulsory school law; I do not remember when it was passed or how it was passed; I know nothing about the conditions of it; but I should judge from what we have learned that it has not been enforced in this city with any degree of severity. It seems to me that if we open the schools and keep the children in the schools, we have done part of what is necessary to prevent the children from being overworked in factories.

I will not now discuss the national phases of the question, but when it comes up, I presume I shall be here if I live until next winter, I may be possibly persuaded by the eloquence and logic of the Senator from Indiana [Mr. BEVERIDGE] to vote for it; but, if I do, I shall have to reverse all my ideas of the relations between the States and the General Government, which I think just now is the most important thing for the American citizen to think of.

I think there has been no time in our history, not even at the close of the great war, when the relations between the States and the General Government have been so critical and so dangerous to the States as they are to-day. My reading of history leads me to believe that encroachments of power have always come insidiously. They have rarely come openly. There may a time come in the course of history in the affairs of nations when an open movement on the part of some tyrant, as in the case of Napoleon III in France—a sudden stroke, a coup d'état—may change the whole form of government; but such a move is always secretly prepared beforehand. Napoleon prepared for that revolution in France with great skill and ability. He perhaps showed more ability in that than in anything else in his life. He purposely secured the disfranchisement of a very large part of the French people and then he became the defender of them. He insisted that the disfranchisement act must be repealed, and when they did not do that, he said to the French people, "These men are not giving you justice; I will take the reins of government into my own hands, and I will give you justice." Then he became a dictator, as everybody knows, not in name simply, but in fact.

There is not any danger of anybody in this country rising up and at once destroying the relations between the States and the General Government; but there is danger, Mr. President, that step by step we shall disregard those relations, and that we shall minimize, not the power of the General Government, for there is no danger of that, but that we shall by and by minimize the State's powers and the State's rights. Every little while somebody says, "Here is a statute that enables Congress to do this and to do that"—a statute passed through this Senate, just as this bill will pass, without proper consideration and without proper thought, and sometimes without the knowledge of this body or of the other in the confusion that occurs in the legislative bodies of this country. So matters will go on, and then some man who has the power—and if it is ever done the man who leads the movement will be the man the people are looking to as their savior and their protector—will make another move. You may keep your State lines; you may have a distinction between the sections of the country that you now call Pennsylvania, or New Jersey, or New York, but when you disregard the rights of those States and commence to legislate for them, you will not be a very great way from a disruption of this Republic and the breaking of it into several republics, or something worse.

I am a believer in the doctrine that the family is the very foundation of a good government in any country, and in no country more than in ours. I do not myself believe that we have the right to invade the family and interfere with the power of the father and the mother, even in an extreme case. I do not deny that we may say to the manufacturer, "You must not employ a boy or a girl under a certain age." I am in favor of that, but when you do anything else with them, when there is an application made, as this amendment suggests, which the court is to pass upon, that application should come from the father or mother or some guardian. I do not object particularly to that principle.

It may be somewhat difficult to carry it out. You may impose upon a judge not judicial duties, but executive duties, and, so far as I know, in every section of the country where you have a juvenile court of this character they have had imposed upon them not judicial duties, but practically executive duties. They become practically executive officers and not judicial officers.

Within my own section of the country these authorities have powers conferred by the State and not by the General Government, and we have had no trouble there. Colorado has such a law. I do not know whether it is as good as the law of Massachusetts, but I have not the slightest doubt that it was made after the Massachusetts law was made, and probably followed

it. I have never heard any complaint, but of course we do not have any great factories like they have in Massachusetts. But we in that section of the country are all in favor not only of a child-labor law, but of a compulsory school law. We have juvenile courts to take charge of girls and boys and put them in training, so, if possible, to make good citizens out of them.

I am willing to vote for anything that is fair for the District of Columbia, even if it should be considered somewhat strenuous, but I wanted to give notice to my distinguished friend, the Senator from Indiana [Mr. BEVERIDGE], that I probably would not be quite able, much as I should like to please him, to vote for a national child-labor law.

Mr. PILES. I may say to the Senator from Colorado that I have no objection at all to further amending the amendment so as to allow the permit upon the application of the father, mother, guardian, or next friend. I drafted the amendment hurriedly from the law of the State of Washington on the subject.

Mr. TELLER. I presume that might be done if there was a little delay, but we are in great haste about this bill. There is another bill coming up. This is a good deal more important than the pending appropriation bill, because it involves more than dollars and cents; but it will be difficult for us, I think, to get time to make the amendment. I would not venture to make an amendment of the Senator's amendment, but I wish he would make a slight amendment, so as to leave it to the parent or some one.

Mr. PILES. I move, after the word "may," in line 12 of the amendment, to insert the words "upon the application of the parent, guardian, or next friend."

Mr. HOPKINS. How would the amendment read then?

Mr. PILES. The amendment would read:

Provided, That the judge of the juvenile court of said District may, upon the application of the parent, guardian, or next friend, issue a permit for the employment of any child between the ages of 12 and 14 years.

Mr. President, the Senator from Massachusetts [Mr. LODGE] is no more in favor of a law which will prohibit the factories of this country from working children than I am. I believe if there is any one crime committed against the children of this country it is their indiscriminate employment in the factories and sweatshops of the country. While I believe that, and while I would protect him as far as I possibly can against those who have designs upon his labor and who would destroy his mental and physical capacity, I would nevertheless protect him, sir, in that sturdy manhood which has made the great men of this country.

There are many boys 13 years of age, strong physically and mentally, whose father and mother are so circumstanced as to be compelled to rely upon the labor of their boy for a time. One of the parents may suddenly become disabled, so that it is impossible for them to get along without the labor of this child, past 13 years of age, and yet under the terms of this bill it is impossible for him to aid his parents or himself. I should say that if that boy could find employment in a store or in a mercantile establishment or in a shop where the judge found, after a full hearing, that it would not be of injury to him—would not degrade him morally or injure him physically or mentally—the judge should have the power to say to that boy: "You may protect your father or your mother from the poorhouse," and any other doctrine, to my mind, Mr. President, is un-American and can find no response in the hearts of the people of this country.

The Senator from Massachusetts says if I would destroy the child himself I would put this amendment in the bill. The Senator from Massachusetts has destroyed the child himself if he does not permit this amendment to go into the bill.

Mr. LODGE. The Senator does not mean to misquote me?

Mr. PILES. Not at all.

Mr. LODGE. I did not say anything about destroying the child himself. I said if the Senator meant to carry out the purpose of his amendment he could do it most easily by defeating the bill.

Mr. PILES. I misunderstood the Senator's statement, but upon either theory, he said, I remember quite distinctly, that I was limiting or overcoming the rights of the child, or words to that effect. I was sitting far over in a corner, and it was difficult to hear.

The defeat of this bill had better follow, strongly as I favor it, than to say to the fathers and mothers of this country and to the children themselves that they may not go into a store or into an office in vacation time, or at any time when the labor of the child is necessary to temporarily provide for the father or the mother who is ill or disabled.

Mr. President, the greater portion of my life has been spent upon the plains and in the mountains, where men have had to fight their way in the world. The best manhood of our country has been developed through man's own efforts to better his condition, and I would take from no boy the opportunities so many others have enjoyed, except in so far as may be necessary to prevent his employment in places injurious to his moral, mental, or physical well-being.

All I am asking is that a boy between the ages of 12 and 14 years may have the right to work for himself or the persons named in the amendment for such length of time as the judge thinks proper whenever a necessity is shown therefor, and when the work may be performed in a moral and healthful place.

I voted against striking out the provision in this bill prohibiting children from working in mercantile establishments, stores, and so forth, upon the theory that this amendment would be adopted. It would be unlawful under the provisions of this bill for a boy to work in the store of his father's best friend during the summer vacation, or to work in a shop where he could gain much useful knowledge—the same knowledge he would gain in a manual-training school—however necessary it might be for him to earn something to help him obtain a college education, or to provide for his own pressing necessities, even though the employment would be beneficial to the boy's mental, moral, and physical development.

I am not willing to deprive him absolutely of such opportunities. I prefer to let a judge pass upon the facts as they may be presented, and if the necessities of the case demand relief, let the court provide it in the manner set forth in the amendment.

The Senator from Massachusetts says, "How can the judge know anything about this?" Mr. President, let us not forget that this is the capital of our country wherein we are legislating. This is not a manufacturing city, where there are factories and workshops, and where children are being ground to death as they are in great commercial and manufacturing cities having millions of people. There is nothing of that here. This is a modern home city, without great factories, mines, or workshops.

Does anyone doubt that if a man should appear before the court, after such notice as the rules of the court shall prescribe, and file a petition in behalf of a child asking for the privilege of working at some light work in a factory, store, or shop, and the labor of the child was to be used for the benefit of a worthless father, for instance, the court would ascertain that fact and deny the petition, or if it did not that the people of the community in which the child lived would bring the facts before the court and secure a revocation of the permit?

The court has the right, under the terms of the amendment, to revoke the permit at any time.

It seems to me while we should legislate to protect the children of our country, we ought not so to legislate as to prevent the development of those manly qualities of independence and self-reliance which have made the best men of our country. They should not be denied the right to protect those who have protected them when such protection may be given without injury to the child.

Mr. DOLLIVER. Mr. President, the delay in considering the child-labor problem in the District of Columbia has not been altogether without some advantage. These laws throughout the world, including the various States of the Union, have been in the nature of a growth and a development. It has been my pleasant opportunity to investigate the debates on child-labor legislation from the beginning, and I am interested in noting that this widow, this father, these helpless children have been efficient in every English-speaking country to postpone an effective child-labor code.

They are the same people who put the reform off nearly a quarter of a century in Great Britain. They are the same people who held it up for nearly a generation in Massachusetts, after farsighted philanthropists had had their hearts touched by the miseries of the situation there. It is an interesting study in the problem of the evolution of a great statute that they are still on hand here in the performance of a duty now nearly a half a century old in English-speaking countries.

In fact these helpless parents put this provision which my friend the Senator from Washington has offered here as an amendment into every original child-labor statute that was adopted in the United States practically without exception, and the experience of past generations, drawn from the operation of these laws, has removed that amendment out of every statute except in the case, I think, of South Carolina, Georgia, Alabama, and the State of Washington. It will require only

fifteen or twenty years in Washington to determine as a practical question that when you put the statute into the hands of a judge instead of upon your statute books you have done a thing that entirely destroys the efficiency of the law.

I, for one, am gradually growing more and more opposed to having the duties of American citizens defined by an order from a court or a report from some commission or other. I believe it to be the duty of Congress to define what the legislative authority has the right to define—what the conduct of men shall be under certain circumstances. I heard a speech here yesterday, which, while I did not indorse all of it, had in it one element which struck me as profoundly true, and that is that what we think ought to be done should be set down in the statute books, so that a man's duty may be defined by law and not by the discretion of a judge or the report of some commission or other.

But from a practical point of view, in all kindness to my honored friend, the Senator from Washington, I will say to him that this provision has been found, by the experience of nearly every State that first adopted it and then abandoned it, destructive of the efficiency of the statute, and I sincerely hope it will not find its way into this proposed act.

Mr. LODGE. Mr. President, the Senator from Washington [Mr. PILES] talks about the rights of the boy as if the boy would be kept from his rights by this proposed legislation. The boy or the girl, for it applies to both, is a minor, recognized as such by the law, under the control of parents or guardians. The Senator from Washington in his amendment proposes that the next friend should come in and get a permit from the court—to enable the child to work for himself? No. For the next friend.

Mr. PILES. Mr. President——

Mr. LODGE. I have seen some of these next friends. I have seen them coming over the gang plank from immigration steamers. I was on a committee that investigated the atrocities of the padrone system. The padrones were next friends. We have people coming to this country all the time who have not American traditions and American beliefs, people who come from countries where children are worked from their earliest childhood and their money taken from them for the support of adults; where education is not valued. Those people bring these helpless children here and work them even in the States where there are stringent laws and good inspection.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. I do.

Mr. PILES. I should like to ask the Senator from Massachusetts what he proposes to do with the boy who has no father or mother?

Mr. LODGE. I propose to put this law on the statute book and have the law administered by the proper authorities and not have a judge making it from day to day.

Mr. PILES. That is not answering my question. What do you propose to do with that boy? Do you propose to put him in an institution?

Mr. LODGE. I propose, as we do in Massachusetts and other States, to have him taken care of by the proper institutions which exist in large numbers for just that work.

Mr. PILES. Then I understand the Senator from Massachusetts to say that if a boy is mentally and physically able to take care of himself and wants to take care of himself, and the judge says he may take care of himself, in a moral, healthful place, he will not let him do it?

Mr. LODGE. No; what I say is that I will not let somebody else put the boy to work. It is not the boy putting himself to work. It is somebody else doing it. He can not go himself.

Mr. PILES. If you will not let him work——

Mr. LODGE. Let him work? There is no trouble about letting him work. The boy has plenty of time to work under this bill.

Mr. PILES. I beg the Senator's pardon.

Mr. LODGE. He can work at proper times.

Mr. PILES. The bill provides that he shall not work.

Mr. LODGE. It provides that he shall not work at certain injurious trades, but opens to him all the nonschool time to work as much as he likes in healthful employment. It is all in the first section. There is plenty of opportunity for the boy to work, if he wants to work. The object of the bill is to prevent his being abused and his work sold for the benefit of other people.

Mr. President, if we had nothing but the plains and the forests and the farms to deal with we should not need legislation like this, but we have great congested centers in this country. The capital city of my State has got pushed together in a few square miles a larger population than that of the entire State of Washington. That is a great State, magnificent in its possibilities, with an opening for everybody, but with a sparse population in comparison with its area. On the other hand, take the crowded communities where we have large bodies of recent immigrants to this country—people who are in the habit of exploiting their children and wringing all they can from them. We want to turn those children of the immigrants into good American citizens.

We want to compel them to be sent to school. You can not do it if they are to be allowed to go into the factory and the workshop and the department store; and, as the Senator from Iowa [Mr. DOLLIVER] has so well said, making a judge an administrator and applying the statute here and there as he pleases has been tried, and has failed wherever it has been tried. It has been shown to be destructive of the principle of the bill.

Mr. President, the object of this bill is not to destroy the sturdy manhood of the boy. It is to protect the boy in those rights which are greater than the right to work, and more important—the right to have an education, the right to have an opportunity in life, and the right to grow up with a healthy body and a healthy mind, so that he can have a fair chance in the great struggle of life, and not take it from him for the benefit of people—and there are plenty of such people in the world—who want to wring from him the few dollars that he can earn.

Mr. PILES. Mr. President, the Senator from Massachusetts [Mr. LODGE] did not answer the question I put to him. I asked him what he was going to do with the boy who had neither father nor mother.

Mr. LODGE. I am going to put him into one of the institutions that are maintained for just such boys, where he will get an education and get an opportunity. This city is full of them, and so is every other city in the country.

Mr. PILES. What institutions do you mean?

Mr. LODGE. I mean the St. John's Orphanage for one, where they have eighty-five such children at this moment.

Mr. PILES. Suppose the boy says, "I will not go there. I want to work my way in the world."

Mr. LODGE. When was a child under 14 ever, in the eye of the law, anything but a minor?

Mr. PILES. I am not contending that he ever was.

Mr. LODGE. It is not the child to whom you give the right. You give it to his next friend.

Mr. PILES. I give the next friend no right, Mr. President.

The Senator from Colorado [Mr. TELLER] said that somebody ought to be named who should make the application for the child, and I said I was perfectly willing to agree to an amendment providing that it might be made on the application of the parent, guardian, or his next friend. Now, if the child has no parent, if he has no guardian, then he must appear in court by his next friend. That is all there is to that. The next friend gets no benefit from the child. The next friend stands there as the guardian of the child in the court.

Mr. LODGE. How does the Senator know that the next friend does not get anything out of the child?

Mr. PILES. I am assuming it would be a gentleman who would make the petition to the court——

Mr. LODGE. That is a pretty large assumption with some of the people who would work children to death.

Mr. PILES. It may be in some sections of the country, but it is not in mine.

Mr. LODGE. There are several sections of the country.

Mr. PILES. I assume that a man who goes into court representing a child is a man of character, especially in the District of Columbia, and that if he is not a man of character the court will discover that fact. The court is not to sit there blindly in determining a question of this nature.

The court will investigate in the community in which the child resides, and it will look into the character and standing of the man who makes the petition on behalf of the child. I am asking nothing for the next friend, except that the child may have the right to go and choose any man as his next friend, to speak for him in court and give him a standing in court, because, as a minor, he can not get there without the aid of parent, guardian, or next friend.

It does seem to me that a boy who does not want to go into an orphanage, but who desires to make his own way, should, under certain conditions, have the right, through some friend, to present his case to the court, and if the court says, "This boy is perfectly competent, physically and mentally, to engage in the employment designated in the petition, that the employment is moral, and will aid instead of injure the boy," he should

have the right to engage in it for such length of time as the court thinks proper under all the circumstances surrounding the case.

Mr. LODGE. I thought, if the Senator will allow me, that the main object of this was to give the boy a chance to support the widow and the crippled parent who have been opposing this legislation for the last fifty years, as the Senator from Iowa [Mr. DOLLIVER] pointed out.

Mr. PILES. My amendment goes further than that. My amendment is, first, to permit the boy to work for himself, to sustain himself. It is, second, to permit the boy to work for his father or his mother or his brother or his sister, who may have been temporarily injured and it becomes necessary for the boy to help one of his parents or one of his brothers or sisters with his labor, if the judge finds it necessary for him to do it, and that it will not be hurtful for him to do it. That is all my amendment goes to.

The Senator from Massachusetts [Mr. LODGE] is mistaken when he says that a child may work in vacation at any employment he sees fit except certain obnoxious employments. He may not work in a shop, even in vacation. He may not work in a mercantile establishment or in a store, if those words be reinstated, even in vacation, and I can see no harm that would result from a boy working in places of that character if the court itself, after thoroughly investigating the subject, shall determine in favor of the boy's right.

Mr. CLARK of Wyoming. Mr. President, I think the most monstrous proposition that this discussion has developed is that a boy under 14 years of age, without father and mother, shall not be allowed to work, but shall go to an asylum of some sort provided by the public, where every vestige of independence, that which makes for good American citizenship, shall be stunted if not forever destroyed.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. CLARK of Wyoming. Certainly.

Mr. LODGE. Does the bill apply to both boys and girls?

Mr. CLARK of Wyoming. It does. The Senator was speaking of the boy.

Mr. LODGE. I spoke of the boy because it was brought forward, but I mentioned the girls, and I think it is well to remember——

Mr. CLARK of Wyoming. I am speaking of the boy, and I should like to have the hands shown in the Senate this afternoon——

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. CLARK of Wyoming. I was going to finish the sentence, but I will yield.

Mr. DOLLIVER. Congress is called upon every year to maintain institutions in the city of Washington to take care of friendless and orphan children. Do I understand the Senator to say that we are doing those children this infamous wrong and taking their manhood and prospects of good citizenship out of them, or is his remark due merely to his enthusiasm? If it is true that we are doing this infinite wrong to the manhood of those children, I should like to ask——

Mr. CLARK of Wyoming. I yielded for a question, not for an argument.

I want to say, Mr. President, if there is a boy or girl who wants to take advantage of those institutions, all right, and God bless the institution, but if there is a boy with American fiber in him 14 years of age or 13 years of age, cast homeless on the world, who wants to make his own way in the world, for God's sake do not make him dependent on public charity.

I should like to have a show of hands in the Senate and in the other House as to whether boys 14 or 13 years of age imbued with true American spirit to carve out their destiny that has been found among the greatest lawmakers on the face of the earth should be committed to a charitable institution. I say on that question but few hands would go up in this Chamber and in the other in favor of the proposition.

I shall vote for this amendment because I believe in giving the American boy the advantage of his enthusiastic entrance into life with a desire to support himself and a desire to bring his Americanism to the front. Who will favor the idea that a boy of that character, filled to the marrow with a spirit of work and energy and determination, shall become a public charity, and that what little independence of spirit he may have shall perhaps be throttled for all time?

[Mr. FULTON addressed the Senate. See Appendix.]

Mr. LODGE. Mr. President, as I am, I suppose, the unfortunate author of what the Senator from Wyoming politely calls a monstrous proposition, I should like to say a word in regard to it. Senators talk as if this bill prevented boys from doing any work, as if, should the bill become a law, no boy could get employment at all.

Mr. NELSON. Will the Senator please point out what work the boy can engage in if the bill passes? What work can boys do here in the District of Columbia? You cut them off from that.

Mr. LODGE. If the Senator will wait a moment I will tell him. They can engage in every form of employment not specifically mentioned in the bill when it is not in school hours.

Mr. NELSON. What is the employment that they can engage in outside of that in the District? Can the Senator specify anything particularly?

Mr. LODGE. They are excluded from factories and workshops, from telegraph offices, restaurants, hotels, apartments, theaters, bowling alleys, and billiard halls.

Mr. FULTON. All the time?

Mr. LODGE. All the time. Those are the employments which are thought to be bad for them.

Mr. FULTON. Of course, I will say to the Senator I would exclude them all from pool rooms and bowling alleys, and no judge of the juvenile court would permit them to be taken there.

Mr. LODGE. How does the Senator know that?

Mr. FULTON. Because I have that much confidence in the institutions of our country and in the courts of the land.

Mr. LODGE. Confidence in everybody except the people who manage charities.

Mr. FULTON. The Senator is willing to submit to the courts of the country the most important interests he has. Why? Because he has confidence in the courts.

Mr. LODGE. The Senator asked me, in the first place, if a boy can sell newspapers. That is one very obvious thing that he can do. He can be a messenger boy. He can engage in any out of door pursuit.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. Of course the Senator is aware that in the first section of the bill there is a prohibition against employment "in the distribution or transmission of merchandise or messages."

Mr. LODGE. The Senator is right; but he can sell newspapers; he can engage in any household employment; he can engage in any out of door employment, either in farm or garden or about a stable, or anything of that sort at any time when school is not being kept. He has plenty of employment. All the out of door employments are open to him. But this is not to allow a judge to put him into a factory or a mine on the demand of a next friend.

Moreover, the bill protects the girls. I suppose it is for the advantage of the community to give little girls the opportunity, as it is said, to earn their living and exercise no protection over them!

Mr. President, this legislation and all the legislation like it is not intended for the small minority of boys nearly 14 years of age who want to get work for themselves. It is intended to protect those unhappy children, of whom there are many, who are in the hands of parents or guardians or next friends, who are willing to make money out of their misery and weakness.

Mr. President, I have some confidence in the heads of the great charities. I think it is better to be cared for and educated in an orphanage than to be struggling in the streets, especially if it is a girl.

I have seen much more stringent laws than this in operation, and I have not seen them affect materially the manhood or the prosperity of the community in which those laws have been in effect. I think that this ideal boy who is being shut out from occupations, when there are abundance of them here under the bill, appears most frequently when there is an effort to protect the unfortunate children other people want to make money out of.

Mr. GALLINGER. Two years ago, Mr. President, I was somewhat instrumental in securing a compulsory-education law for the District of Columbia. Turning to that law, I find that the first section reads as follows:

That every parent, guardian, or other person residing in the District of Columbia having charge and control of a child between the ages of 8 and 14 years shall cause such child to be regularly instructed in the elementary branches of knowledge, including reading, writing, English

grammar, geography, and arithmetic, and pursuant to this end every such parent, guardian, or other person aforesaid shall cause any child under the charge and control of such person to attend some public, private, or parochial school during the period of each year the public schools in the District are in session, on the customary days and during the customary hours of the school term.

Mr. President, that law, which is on the statute book and which is working satisfactorily, as I am told, absolutely compels children up to the age of 14 years to attend school, and we have truant officers who are charged with the privilege of entering all establishments where children under that age are employed and seeing that they do attend the public schools.

It seems to me that the proposed amendment comes pretty near doing away with that provision in the compulsory education law where we give into the hands of a judge the right to say the child need not go to school; that there are conditions under which that child is better off out of school than in school, and hence not only is the beneficent purpose of the bill under consideration largely emasculated, but the compulsory education law is likewise in a sense destroyed.

Mr. President, I am not going to occupy any time. I have refrained from doing that because of my great anxiety to have the bill voted on. I am not in the habit of alluding to myself or my early struggles, but it would have been a blessing to me, Mr. President, if I had been kept in school until the age of 14 years. All through my life I have felt and realized that fact. I do think the best disposition we can make of children until they are 14 years of age is to keep them in school, and that is precisely what the compulsory education law and what this law contemplate.

The judge of the juvenile court is a most estimable gentleman. He is doing good work, but he is a very busy man. I suggested to the Senator from Washington [Mr. PILES] that this matter, if it is to go in the bill at all, ought to be in his hands rather than in the hands of the judges of the higher courts, who are overburdened, and who in the very nature of things would not pay much attention to these trivial matters. But the judge of the juvenile court is a very busy man likewise.

I think when we stop to consider the population of the city of Washington, 350,000 people in this little territory of 70 square miles, and consider the fact that it is a population different from that of any other city in the United States, we ought to be careful not to give a certain class of parents or guardians this right upon such representations as they might make to a court—false representations, very likely, in many instances—which the judge in the nature of things could not ascertain definitely. I think we ought to hesitate before we put into the hands of the judge of a court already overburdened with work the right to nullify to any extent the legislation of 1906, called the "compulsory education law," or the provisions of the bill now under consideration.

I trust that the Senator's amendment, offered of course in good faith and in the full belief that it will be a valuable addition to this bill, may not be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. PILES.]

Mr. CULBERSON. Let the amendment be read.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. On page 1, and following amendment already agreed to, after the word "evening," in line 13, insert the following additional proviso:

And provided further, That the judge of the juvenile court of said District may, upon the application of the parent, guardian, or next friend of said child, issue a permit for the employment of any child between the ages of 12 and 14 years at any occupation or employment not, in his judgment, dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support, in whole or in part, of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GALLINGER. In view of the fact that I am going to offer an amendment that is included in the letter I hold in my hand, I will ask that the full letter be read, as it is brief and of great importance, I think.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA,
FRANKLIN SCHOOL BUILDING,
Washington, D. C., February 17, 1908.

Hon. JACOB H. GALLINGER, United States Senator,
Chairman Committee on District of Columbia,
United States Senate.

SIR: On behalf of the board of education of the District of Columbia, I have the honor to place before your committee a request for an amendment to Senate bill No. 4812, to regulate the employment of child labor in the District of Columbia. It is the earnest desire of the board of education that section 11, on page 7, and line 9, of the bill be amended by the addition of the following words:

"And in all cases arising under an act providing for compulsory education in the District of Columbia, approved June 8, 1906."

The compulsory education law is one that directly affects the welfare of the children and is closely allied to the child-labor law. In the opinion of the board of education it is for the best interests of the work that both these laws should be administered by the juvenile court.

I earnestly trust that this request of the board of education may reach you in time to have it properly incorporated. Our knowledge of your interest in this matter is sufficient to assure us that it will be most carefully considered; and should you be able to regard it favorably your action will be greatly appreciated. I have the honor to remain,

Very respectfully,
HARRY O. HINE,
Secretary Board of Education.

Mr. GALLINGER. The compulsory education law was approved nearly two years ago and the control of these children was placed in the police court. It needs no argument on my part to persuade Senators that they are much safer under the juvenile court, where they are kept away from the associations that necessarily are found about a police court. This is simply an amendment placing the children in that law under the jurisdiction of the juvenile court, as they are in the bill we have under consideration. I ask the Secretary to read the proposed amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of section 11 the following words:

And in all cases arising under an act providing for compulsory education in the District of Columbia, approved June 8, 1906.

So that if amended the section will read:

That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act, and in all cases arising under an act providing for compulsory education in the District of Columbia, approved June 8, 1906.

Mr. CLARK of Wyoming. I wish to ask the Senator from New Hampshire a question for information. I know in a general way about the compulsory school act and I ask the Senator what penalties are prescribed in that act and upon whom are they visited?

Mr. GALLINGER. I have not examined the act recently and I will have to look at it.

Mr. CLARK of Wyoming. I suppose that they are like other acts of the sort, and that the penalty is visited not upon the child, but upon the parent or guardian.

Mr. GALLINGER. Yes. Section 7 of the act provides—

That any parent or other person who makes a false statement concerning the age or school attendance of a child between the ages of 8 and 14, who is under his control, such false statement being made with intent to deceive under this act, shall upon conviction thereof be punished by a fine not to exceed $20.

Mr. CLARK of Wyoming. It occurs to me that the child does not in any way come in contact with the police court, and that this being a violation of the law by an adult, it would be punished not in the juvenile court, but in the court provided for the punishment of crimes and misdemeanors. I submit to the Senator whether that is not a more reasonable view of the situation.

Mr. GALLINGER. I think the Senator is right in saying that the child does not come in direct contact with the police court, and I was incorrect in making that statement.

Mr. CLARK of Wyoming. It is simply a question of the violation of the law by an adult.

Mr. GALLINGER. But in the law we are now considering we have a penalty, and the juvenile court passes upon it. It has been thought by the board of education that it is better that these two laws be both administered in that regard in the juvenile court. I care nothing about it, and, if there is any controversy over it, I shall not urge the amendment.

Mr. CLARK of Wyoming. I am not going to make any controversy over it. I only want to call the attention of the Senator to the question as to whether the juvenile court has any jurisdiction to punish misdemeanors under the general law—whether it would not make the law absolutely void so far as these penalties are concerned?

Mr. GALLINGER. If the Senator from Wyoming feels that way about it, as I have not time to look it up now, I will withdraw the amendment.

Mr. CLARK of Wyoming. It is simply a question in my mind.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. BEVERIDGE. Mr. President, I am compelled shortly to leave the Chamber, and I desire to say one or two very brief words about the bill in general, because I want to express my very emphatic approval of this measure and my earnest pleasure that we are about to see it passed—this, Mr. President, not because it will effect anything of great consequence, but because it is a step, however short, in the right direction, and because also it is a sort of first fruits of the agitation that has now been going on for a year and a half or two years to remedy the real and critical evil that exists in this country.

Whether the bill be considered merely as an affirmative, though limited, act of the National Legislature, expressing its disapproval of this evil, or whether it be considered as an example upon which further legislation may be based, nevertheless it ought to—and I am glad to say that it does—enlist the hearty support and enthusiastic approval of everybody, regardless of party.

I said a moment ago, Mr. President, that my very earnest gratification at the passage of this bill is not because I think it will greatly remedy anything. As has been pointed out by several Senators, this is not a great industrial center. Perhaps here less than in any city of similar size in the Republic does the evil of child labor exist. There are no factories here; there are no mines here; there are no sweat shops here. This is the capital of the nation; and in a peculiar sense—not true of any other city—it is a residence city, a city given over to official life and to those occupations which minister to those who are thus brought here. Therefore, the affirmative benefits of this bill will not and can not be great.

Neither do I think it will be particularly effective as an example, because, as has already been so clearly stated by the chairman of the committee [Mr. DOLLIVER], examples already exist, not in thirty-six States, but perhaps in as many as seven States. So, if merely moral example were sufficient to induce the legislatures of all the States to pass adequate and wise legislation, it would have long since been upon the statute books.

Those who profit by child labor are not to be influenced by any moral example. I said "child labor;" but I do not mean child labor; I mean child slavery—that is what has aroused the nation. The occupation of children such as the Senator from Minnesota [Mr. NELSON] approves, I also very heartily approve. Nothing better can occur to a child than to be usefully employed in the open air, provided it is within the safe limits of its strength. Such occupation is not only excellent for the child in every possible way, physically, mentally, and morally, but it is also a form of recreation if it is not above the child's strength.

But the child labor that everybody refers to when he uses that phrase now is that species of child destruction which existed in England up to twenty-five years ago, which undermined the manhood of the British people, and which exists in this country to perhaps the extent of at least 1,000,000 children.

Nevertheless this bill is a step, a brief one, a short one, in the right direction. It is at least an affirmative moral action upon the part of the National Legislature. Yet let no person deceive himself. This bill, applicable to the District of Columbia, where the evil does not really exist, will not assuage the wrath of the American people against what is the real infamy that has awakened the conscience of the nation; nor will it in the remotest degree quiet that conscience.

The truth about it Mr. President, is that Senators are now familiar, and the country for some years has been more familiar than we have been, with the extent and the revolting nature of this evil. It is not on the farms; it is not in the stores; no; but it is in the mills, the factories, the sweat shops, and on the breakers of coal mines, where little children, boys and girls as young in many instances as 5 years of age, are at work day and night, not for eight hours, not for ten hours, but, in some instances, for twelve hours. Those are not sporadic examples; there are not hundreds of cases, nor thousands of cases, nor tens of thousands of cases; but there are hundreds of thousands of cases; and those children are being ruined in body and in mind.

Mr. President, there is a good deal of excitement if an occasional wild fanatic, called an "anarchist," lands upon our shores; yet we ourselves have in our country at the present time a system which is creating the material of anarchists; which is producing every year, by the lowest estimate I have been able to find, certainly as many as 250,000 degenerates who have malformed bodies and beclouded minds and hate-filled hearts. That, Mr. President, is the reason that this bill can not greatly touch the real evil, and yet, so earnestly am I in favor of this affirmative act that we are about to obtain that I am willing—in addition to the reason given by the Senator from Colorado [Mr. TELLER], and which I have heretofore referred to, that a report of the national bill will soon be had and a consideration of and vote upon it be obtained in the Senate early next session—to waive the presentation of any other question that might now complicate this one, and also out of regard to the desires of several Senators.

Now, just one word more. The question of the constitutionality of national child-labor legislation has been raised. That, of course, is something that we are going to consider hereafter. It is conceded on all hands to be a grave and a far-reaching question, and yet attention is called to the fact—and it is a matter that will be debated extensively, as it should be, by those who believe on both sides of that question hereafter when the bill is out of the committee and up at an early time next session for consideration—attention is called to the fact that every law that prohibited any article from interstate commerce—of which there have been more, I find, than twenty passed—that has been carried to the Supreme Court of the United States has been upheld by that tribunal without one single exception, and so far as I can find every law that has been presented to an inferior Federal tribunal has been upheld without one single exception.

More than that, I said a moment ago that we have something more than a score of such laws on the statute books. When the time comes to argue the question I shall show that not a single one of them was resisted, excepting only where some great financial interests were profiting by the evil proposed to be suppressed, and we have now on the statute books not only more than a score of laws prohibiting articles from interstate commerce, but some prohibiting articles absolutely harmless in themselves, and which affect the manufactures of various States.

Mr. President, I think that we are to be congratulated upon the fact that we are consummating at last, in answer to a great moral agitation, such as has occurred in this country before when critical evils faced the Republic, a beginning of affirmative legislation. Of course it is nothing more than a beginning, and a very little beginning; but it is something. However little it may accomplish, it at least registers the moral condemnation of every man in this Chamber, which I concede all equally feel against this monstrous abuse; and, further, that we are to be congratulated on the fact that we shall discuss and have an opportunity to discuss in a full and free manner in the Senate, and vote upon it, the larger question of the uprooting of the real evil that is not only injuring the bodies, but, in many cases, killing them and forever ruining the souls of myriads of American children.

I say this with the permission of the Senator from Iowa, because I am compelled to leave the Chamber, and I did want to say some hearty words of my very earnest approval of this measure, for which I shall vote, of course, with the keenest possible enthusiasm; and although as the first fruits of this agitation it may be very small and very limited, it is something.

Mr. HEYBURN. Mr. President, on page 7, line 7, I move to strike out the word "juvenile" and insert the word "police."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 7, before the word "court," it is proposed to strike out "juvenile" and insert "police."

Mr. HEYBURN. I will, Mr. President, say a word in explanation of the amendment. The juvenile court is not invested with the power by the act creating it to hear and determine the class of cases that will arise under this bill. It would not have jurisdiction to determine any case in which the parties were over 17 years of age. In the very juvenile-court act it is provided that violations of the laws there mentioned by persons over 17 years of age must be determined in the police court. That is the limitation placed upon the jurisdiction of the juvenile court by the act creating it. Therefore in this bill it will be necessary to substitute the "police court" for the "juvenile court," it being provided in section 11 of the bill—

That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act.

You can not give the court jurisdiction in that offhand way, inasmuch as the court was created for the very purpose, the limited purpose, of dealing with people under 17 years of age, and the act itself recognized that fact, I repeat, in its own provisions by providing that where they were over 17 years of age they must be sent to the police court for the enforcement of the provisions of the law.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. PILES. I desire to renew my amendment in the Senate, and ask for a vote on it.

The VICE-PRESIDENT. That will be in order later. Are there any amendments to be reserved?

Mr. GALLINGER. I desire to reserve the amendment made on motion of the Senator from Minnesota [Mr. NELSON], striking out the words "mercantile establishment, store, and business office."

The VICE-PRESIDENT. That amendment will be reserved.

Mr. PILES. I have an amendment pending, I think. Have I not?

The VICE-PRESIDENT. Without objection, the other amendments made as in Committee of the Whole will be concurred in. The question now is on concurring in the amendment, made as in Committee of the Whole, proposed by the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. On that I ask for the yeas and nays.

Mr. TELLER. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, on page 1, lines 5 and 6, it is proposed to strike out the words "mercantile establishment, store, business office."

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I transfer my pair with the junior Senator from Virginia [Mr. MARTIN] to the junior Senator from New Jersey [Mr. BRIGGS] and vote. I vote "nay."

Mr. DANIEL (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH], and therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). I again announce the transfer of my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Kansas [Mr. LONG] and vote. I vote "yea."

Mr. TALIAFERRO (when Mr. MILTON'S name was called). I wish to announce that my colleague [Mr. MILTON], who is unavoidably absent, is paired with the Senator from New York [Mr. PLATT].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], but observing that on the previous vote on this same amendment he voted on the same side of the question that I did, I will take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. DOLLIVER. I should like the RECORD to show that my colleague [Mr. ALLISON] is paired with the Senator from Maryland [Mr. RAYNER].

The result was announced—yeas 29, nays 27, as follows:

YEAS—29.

Ankeny	Foraker	Overman	Stewart
Bankhead	Foster	Paynter	Taliaferro
Borah	Frazier	Perkins	Teller
Bulkeley	Fulton	Piles	Warner
Clapp	Gary	Scott	Warren
Clark, Wyo.	Gore	Simmons	
Dick	Johnston	Smoot	
Dillingham	Nelson	Stephenson	

NAYS—27.

Bacon	Carter	Flint	Knox
Bourne	Clay	Frye	Lodge
Brandegee	Crane	Gallinger	McCreary
Brown	Cullom	Guggenheim	Owen
Burkett	Dixon	Heyburn	Smith, Mich.
Burnham	Dolliver	Hopkins	Stone
Burrows	du Pont	Kean	

NOT VOTING—36.

Aldrich	Davis	Long	Penrose
Allison	Depew	McCumber	Platt
Bailey	Elkins	McEnery	Rayner
Beveridge	Gamble	McLaurin	Richardson
Briggs	Hale	Martin	Smith, Md.
Clarke, Ark.	Hansbrough	Milton	Sutherland
Culberson	Hemenway	Money	Taylor
Curtis	Kittredge	Newlands	Tillman
Daniel	La Follette	Nixon	Wetmore

So Mr. NELSON'S amendment was concurred in.

Mr. GALLINGER. I move after the words just stricken out to insert the words "department store," so as to read:

Factory, workshop, department store.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment which will be stated.

The SECRETARY. After the word "workshop," in line 5, on page 1, it is proposed to insert the words "department store."

The amendment was agreed to.

Mr. DOLLIVER. In line 3, on page 5, I desire to substitute the word "a" for the word "such," so that it will read "permits a child."

The amendment was agreed to.

Mr. PILES. I renew the amendment in the Senate which I offered in Committee of the Whole.

The VICE-PRESIDENT. The Senator from Washington proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add, after the amendment inserted on page 1, at the end of line 13, the following:

And provided further, That the judge of the juvenile court of said District may, upon the application of the parent, guardian, or next friend of said child, issue a permit for the employment of any child between the ages of 12 and 14 years at any occupation or employment not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support in whole or in part of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. PILES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I announce, not only on this vote, but on any other vote that may come upon this bill, the transfer of my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Kansas [Mr. LONG], and I will vote. I vote "yea."

Mr. TALIAFERRO (when Mr. MILTON'S name was called). I again announce the fact that my colleague [Mr. MILTON] is paired with the Senator from New York [Mr. PLATT].

Mr. WARREN (when his name was called). Under the circumstances I have already announced regarding my regular pair, I will vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 37, nays 19, as follows:

YEAS—37.

Ankeny	Dick	Nelson	Stephenson
Bacon	Dillingham	Newlands	Stewart
Borah	du Pont	Overman	Stone
Bourne	Foraker	Paynter	Taliaferro
Brandegee	Foster	Penrose	Teller
Bulkeley	Frazier	Perkins	Warner
Carter	Fulton	Piles	Warren
Clapp	Heyburn	Scott	
Clark, Wyo.	Johnston	Simmons	
Curtis	Knox	Smith, Mich.	

NAYS—19.

Brown	Cullom	Gallinger	Kean
Burkett	Dixon	Gary	Lodge
Burnham	Dolliver	Gore	McCreary
Clay	Flint	Guggenheim	Owen
Crane	Frye	Hopkins	

NOT VOTING—36.

Aldrich	Daniel	La Follette	Platt
Allison	Davis	Long	Rayner
Bailey	Depew	McCumber	Richardson
Bankhead	Elkins	McEnery	Smith, Md.
Beveridge	Gamble	McLaurin	Smoot
Briggs	Hale	Martin	Sutherland
Burrows	Hansbrough	Milton	Taylor
Clarke, Ark.	Hemenway	Money	Tillman
Culberson	Kittredge	Nixon	Wetmore

So Mr. PILES'S amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. Mr. President, I gave notice yesterday that I expected to call up the agricultural appropriation bill to-day. It is perfectly obvious that we could proceed for only a short time this evening. I therefore give notice that I shall ask the Senate to take it up early to-morrow.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 7, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, May 6, 1908.

APPRAISER OF MERCHANDISE.

Samuel Krulewitch, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of George W. Wanmaker, promoted.

PROMOTIONS IN THE NAVY.

Ensign Edward H. Campbell to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1907, upon the completion of three years' service in his present grade.

Lieut. (Junior Grade) Edward H. Campbell to be a lieutenant in the Navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

Ensign Leo Sahm to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years in present grade.

Lieut. (Junior Grade) Leo Sahm to be a lieutenant in the Navy from the 3d day of February, 1908, to fill a vacancy existing in that grade on that date.

Assistant Naval Constructor Henry T. Wright to be a naval constructor in the Navy from the 4th day of April, 1908, upon the completion of eight years in present grade.

PROMOTIONS IN THE ARMY.

Medical Corps.

Lieut. Col. George H. Torney, Medical Corps, to be colonel from April 23, 1908, to fill an original vacancy.

Lieut. Col. Louis W. Crampton, Medical Corps, to be colonel from April 23, 1908, to fill an original vacancy.

Capt. John H. Stone, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Irving W. Rand, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Powell C. Fauntleroy, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. James S. Wilson, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Basil H. Dutcher, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Leigh A. Fuller, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. George A. Skinner, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Carl R. Darnall, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

POSTMASTERS.

DELAWARE.

Joseph M. Harrington to be postmaster at Felton, Kent County, Del., in place of Joseph M. Harrington. Incumbent's commission expired January 4, 1908.

ILLINOIS.

Archibald B. Campbell to be postmaster at Tolono, Champaign County, Ill. Office became Presidential October 1, 1907.

William S. Rice to be postmaster at Carmi, White County, Ill., in place of William S. Rice. Incumbent's commission expired April 27, 1908.

INDIANA.

John H. Hilty to be postmaster at Berne, Adams County, Ind., in place of Japhet F. Lehman. Incumbent's commission expired April 28, 1908.

KANSAS.

Fred Bartlett to be postmaster at Baxter Springs, Cherokee County, Kans., in place of James S. Price, deceased.

MICHIGAN.

Henry S. Wickware to be postmaster at Cass City, Tuscola County, Mich., in place of Henry S. Wickware. Incumbent's commission expired April 27, 1908.

NEBRASKA.

Jules Haumont to be postmaster at Broken Bow, Custer County, Nebr., in place of Leander H. Jewett, resigned.

PENNSYLVANIA.

Dewitt C. Parkinson to be postmaster at Monongahela, Washington County, Pa., in place of Dewitt C. Parkinson. Incumbent's commission expired April 28, 1908.

Charles A. Straesser to be postmaster at Martinsburg, Blair County, Pa., in place of Charles A. Straesser. Incumbent's commission expired April 9, 1908.

TEXAS.

J. L. Burke to be postmaster at Elgin, Bastrop County, Tex., in place of Florence Burke, resigned.

Samuel H. Cole to be postmaster at McKinney, Collin County, Tex., in place of Hugo E. Smith. Incumbent's commission expired May 1, 1906.

WISCONSIN.

A. H. Jessell to be postmaster at Birnamwood, Shawano County, Wis. Office became Presidential January 1, 1908.

Joseph Longbotham to be postmaster at Cuba, Grant County, Wis. Office became Presidential January 1, 1907.

August J. Seemann to be postmaster at Boscobel, Grant County, Wis., in place of August J. Seemann. Incumbent's commission expired December 14, 1907.

John H. Wall to be postmaster at Highland, Iowa County, Wis. Office became Presidential October 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1908.

PROMOTIONS IN THE NAVY.

Ensign Henry D. Cooke, jr., United States Navy, to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade.

Lieut. (Junior Grade) Henry D. Cooke, jr., United States Navy, to be a lieutenant in the Navy from the 3d day of February, 1908.

POSTMASTERS.

INDIANA.

William R. Elrod to be postmaster at Orleans, Orange County, Ind.

KANSAS.

Gordon H. Broughton to be postmaster at Galena, Cherokee County, Kans.

NEBRASKA.

Loree V. Styles to be postmaster at St. Edward, Boone County, Nebr.

NEW JERSEY.

Charles L. Flanigan to be postmaster at Riverton, Burlington County, N. J.

WISCONSIN.

Charles J. Linquist to be postmaster at Rio, Columbia County, Wis.

CANADIAN INTERNATIONAL BOUNDARY.

The injunction of secrecy was removed May 4, 1908, from a treaty between the United States and Great Britain providing for the more complete definition and demarcation of the international boundary between the United States and the Dominion of Canada, signed at Washington on April 11, 1908.

ARBITRATION WITH SWEDEN.

The injunction of secrecy was removed May 6, 1908, from an arbitration convention between the United States and Sweden, signed at Washington on May 2, 1908.

ARBITRATION WITH THE NETHERLANDS.

The injunction of secrecy was removed May 6, 1908, from an arbitration convention between the United States and the Netherlands, signed at Washington on May 2, 1908.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 6, 1908.*

[*Continuation of the legislative day of Monday, May 4, 1908.*]

The recess having expired, at 11.55 o'clock a. m. the House was called to order by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6826. An act to correct the military record of Albert S. Austin; and

S. 6358. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriations for the support of the Army for the fiscal year ending June 30, 1909.

TARIFF LAWS, PHILIPPINE ISLANDS.

Mr. PAYNE, from the Committee on Ways and Means, reported with amendments the bill (H. R. 21449) to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905, which was read a first and second time and, with the accompanying report (No. 1607), referred to the Committee of the Whole House on the state of the Union and ordered to be printed.